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ABSTRACT

Barbara Jordan served as the hearing officer for three-day adversary evaluation hearings about the pros and cons of minimum competency testing (MCT). This report is the complete transcript of the second day of proceedings. The pro team, lead by James Popham, began by presenting representatives of four states (Florida, California, Texas, and Illinois) to describe the MCT programs now operative in their states. These witnesses emphasized the major positive effects resulting from high quality MCT programs: effects on student achievement and self-concept, cirriculum and teaching, and public perception of schooling. In addition, Morris Andrews, Executive Secretary of the Wisconsin Education Association, described his organization's support of MCT in his state. Finally, Robert Ebel argued that MCT is valid and reliable. The con team, led by George Madaus, focused on the technical limitations of minimum competency tests. Mary Berry testified that MCT could not solve the problems of quality in education. Robert Calfee, Robert Linn, Nathan Quinones, Roger Farr, and Mel Hall provided testimony on technical testing issues such as test validity, test bias, and setting the cutting score. The remaining testimony was from parents and school personnel expressing their opposition to MCT based on personal experiences with it. (BW)

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MINIMUM COMPETENCY TESTING

CLARIFICATION HEARING

JULY 9, 1981

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CONTENTS

INTRODUCTIONS AND INSTRUCTIONS BY THE				
HEARING OFFICER, PROFESSOR BARBARA JORDAN				page 308
THE CON TEAM PRESENTS ITS CASE				
WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Hon. Shirley Chisholm				
(By Mr. Henderson)	312			
(By Dr. Popham)		319		
(By Mr. Henderson)			324	
(By Dr. Popham)				326
OPENING ARGUMENT BY DR. JAMES POPHAM				
PRO TEAM LEADER				page 328
THE PRO TEAM PRESENTS ITS CASE				
WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Ralph Turlington				
(By Dr. Popham)	331			
(By Mr. Henderson)		352		
Morris Andrews				
(By Dr. Popham)	366			
(By Dr. Madaus)		372		
Robert Schilling				
(By Dr. Popham)	377			
(By Ms. Pullin)		392		

CONTENTS (Continued)

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Anthony Trujillo				
(By Dr. Popham)	396			
(By Ms. Montoya)		403		
Hilda Mireles				
(By Dr. Popham)	407			
(By Ms. Montoya)		412		
Sharon Schneider				
(By Dr. Popham)	414			
(By Ms. Pullin)		421		
Robert Ebel				
(By Dr. Popham)	422			
(By Mr. Linn)		431		

AFTERNOON SESSION page 438

OPENING ARGUMENT OF DR. GEORGE MADAUS

CON TEAM LEADER page 438

THE CON TEAM PRESENTS ITS CASE

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Dr. Mary Berry				
(By Mr. Henderson)	442			
(By Dr. Popham)		448		

CONTENTS (Continued)

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Robert Calfee				
(By Dr. Madaus)	456			
(By Dr. Popham)		470		
(By Dr. Madaus)			479	
Dr. Robert Linn				
(By Dr. Madaus)	480			
(By Dr. Popham)		495		
(By Mr. Haney)			505	
Nathan Quinones				
(By Ms. Pullin)	507			
(By Dr. Popham)		514		
Dr. Roger Farr				
(By Dr. Madaus)	516			
(By Dr. Popham)		529		
Mel Hall				
(By Ms. Pullin)	535			
(By Dr. Popham)		545		
(By Ms. Pullin)			550	
Patricia Shea				
(By Ms. Pullin)	550			

CONTENTS (Continued)

WITNESS	DIRECT	CROSS	REDIRECT	RECROSS
Kathleen B. Gilbert				
(By Dr. Madaus)	556			
(By Dr. Popham)		562		
Mrs. Claire Sullivan				
(By Ms. Pullin)	565			
(By Dr. Popham)		573		
(By Mr. Haney)			578	
John Myrick				
(By Ms. Pullin)	579			
(By Dr. Popham)		585		
(By Mr. Alleyne)		589		

SUMMARY OF THE DAY'S SESSION
BY DR. POPHAM, PRO TEAM LEADER page 591

SUMMARY OF THE DAY'S SESSION
BY DR. MADAUS, CON TEAM LEADER page 592

PROCEEDINGS

MR. KELLY: Good morning. Welcome to the second day of this clarification hearing on minimum competency testing. I am Paul Kelly, Director of the Measurement and Evaluation Center and Professer of Educational Psychology at the University of Texas at Austin.

It is my distinct honor this morning to introduce to you the presiding officer at this hearing, Professor Barbara Jordan, who is the Lyndon Baines Johnson Public Service Professor at the LBJ School of Public Affairs at the University of Texas at Austin.

Professor Jordan.

INTRODUCTIONS AND INSTRUCTIONS BY THE HEARING OFFICER, PROFESSOR BARBARA JORDAN

HEARING OFFICER JORDAN: Thank you.

My opening remarks on the first day of this clarification hearing will be a part of the official record of the hearing. Today's opening remarks are an abbreviated edition of what I said yesterday and this abbreviated edition is for the benefit of those who are here today who were not here yesterday.

As used in this hearing "minimum competency testing" refers to state or locally mandated programs which have the following characteristics. All or almost all students at designated grades are required to take paper and

pencil tests designed to measure basic academic skills, life or survival skills or functional literacy. A passing score or standard for acceptable levels of student performance have been established and test results may be used to certify students for grade promotion, graduation or diploma award, classify students and place students in remedial or other special services, allocate compensatory funds to school districts, evaluate or certify schools or school districts, or evaluate teachers.

The minimum competency testing project is designed to provide quality information for decisionmakers that will assist them in making informed choices about policies and programs, to promote a greater public understanding of the dynamics of MCT programs, and to provide a vehicle for informed public participation in the policy process.

The purpose of this hearing, simply put, is to provide a forum for the clarification of some of the most salient issues concerning minimum competency testing. Both teams have agreed that there are certain functions which MCT programs should not serve. Both teams are emphatic in their repudiation that at elementary and secondary levels of MCT uses these three purposes must not be MCT uses: teacher evaluation, for one; allocation of educational or other resources, a second; and, third, retention of non-passing students at all grade levels.

The teams do not agree, however, with regard to other functions of minimum competency testing. In this hearing the teams will focus on MCT programs that use test results to certify or classify students. The three major issues in this hearing are: whether such MCT programs will have beneficial or harmful effects on students, on curriculum and teaching, on public perceptions of educational quality.

Now while the framework for this hearing borrows extensively from judicial procedures, it is not intended to result in victory for one side or the other. Rather, the clarification hearing is designed to serve an educational function by providing a public forum for discussion of a controversial topic from different, often competing, perspectives.

The clarification of issues is the point of concern. The judicial process merely provides the framework and systematic procedures for the discussion of these issues. There will be no jury to deliberate. There will be no formal judgment as to the success, failure, or overall quality of MCT programs. All decisions or judgments concerning the information presented will be left to the viewing public.

The target audience for the project includes legislators, state and local policymakers and

administrators, special interest groups, parents, teachers, students and the general public.

Specific rules of procedure have been agreed upon by both teams. On each day, the designated case presentor for each team will make an opening statement outlining the case to be presented in support of the team's position.

On each day, the pro team will present its case first. Each team will rely heavily on the testimony of witnesses rather than on detailed presentation of data. Although some witnesses will be interpreting documentary evidence that will be entered into the record, other witnesses will be stating their observations and opinions.

Direct, cross, redirect and recross examination of witnesses will be permitted.

Now, finally, I am sure that all of you have observed that we are being videotaped. These proceedings are being videotaped. By this fall gavel-to-gavel videotapes and written transcripts will be available to professional and constituent organizations for use in workshops, seminars and public forums.

In addition, PBS will air, in early fall, a four-part television series. The first part will be a documentary. The other three parts will be edited versions of each day of this hearing.

Each team will participate in the tape editing.

The schedule has been altered today so that we can have as the first witness Shirley Chisholm, Congresswoman from New York. Because of some scheduling difficulties she would not be able to be here at some other time and even though we have said that the pro team presents its case first, Mrs. Chisholm is a witness for the con team and will present her testimony as soon as I will be quiet and let her do so.

We will then alter the schedule to have first Congresswoman Shirley Chisholm as a witness for this hearing.

THE CON TEAM PRESENTS ITS CASE

TESTIMONY OF THE HONORABLE SHIRLEY CHISHOLM

UNITED STATES HOUSE OF REPRESENTATIVES

DIRECT EXAMINATION

BY MR. HENDERSON:

Q Congresswoman Chisholm, thank you for agreeing to be with us this morning.

Let me ask you, would you please inform the audience of your professional background and involvement in education issues and related Federal legislation over the past decade?

A Certainly.

I am a professional educator by training and the holder of three degrees in the field of education from Brooklyn College and Columbia University. My major has been

early childhood education and for many years prior to entering the political arena, I was very involved in all aspects of early childhood education as a teacher, curriculum coordinator and for the seven years that I served in the New York State Legislature, I was a member of the State Education Committee. And then, coming to Washington as a Congresswoman, I served on the Eduaction and Labor Committee for a period of seven years.

So that gives you a general background of my involvement. With respect to legislation, particularly on the Federal level, I have been very involved in the compensatory educational programs such as Title I, the bi-lingual educational programs, vocational amendments, the Sex Equity Act and, of course, the Truth in Testing legislation.

Q You have also been a Presidential candidate here in the United States. Isn't that right?

A Yes. Back in 1971, '72, I dared to have the audacity to say that I would like to be considered to be the master of the ship of state for a period of four years. I wasn't too successful, but it was a wonderful experience.

Q From your work as an educator and legislator, are you familiar with issues surrounding minimum competency standards and testing?

A I am familiar to a certain extent. The

educational amendments of 1978 for the first time authorized the use of Federal funds to states. In order to help the states determine whether or not the students would be able to acquire the mastery of certain basic skills in reading, writing and arithmetic so that they would be able to function in a very highly automated society.

Secondly, I would like to say that New York State, in 1979, did acquire the minimum competency standards and just recently the Board of Regents in New York has mandated that all high school graduates move in the direction of taking a statewide examination in writing, reading and mathematics.

Q From your vantage point at the Federal level, Congresswoman, what has been the rationale behind the enactment and proliferation of minimum competency testing programs among the states? What about the consideration of these issues by Federal legislators?

A I would say that the decline on a national level of achievement scores of students across this nation has been one of the reasons for the proliferation of these competency tests across the nation.

Secondly, I would have to say that the students and the parents and the teachers in some instances are very, very concerned as to what instruments or mechanisms would have to be used in order to do something and I firmly

believe that there are very basic systemic difficulties in the educational system.

Q What has been your position regarding the use of MCT or minimum competency testing among the various states now employing such tests??

A I have been very concerned about it because in terms of mandating the question of the subject matters that should be mandated for this test leaves many, many things hanging in the air. There is no basic set of standards.

For example, the state of Massachusetts really just indicates that mastery in the skills of communication and computation and career choices and responsibility would all fall into that subject area while, for example, the states of New Mexico and Florida only say that the students need to have basic skills.

I think that there are several questions that have to be answered in that entire area.

Q Does this mean that you oppose minimum competency testing in all its forms?

A No, I don't really oppose minimum competency testing in all forms because we have to try to come up with instrumentalities and mechanisms from time to time in order to enter into some kind of validation process. But I do feel that we have a tendency to rely too heavily on this asan instrument since we realize that, in many, many

instances we do not start from a basic premise of an equivalency of educational preparation.

Q To your knowledge -- and again, speaking as a Federal legislator, having surveyed the field at a national level -- have you any knowledge about whether minimum competency testing has a differential impact on particular groups of students?

A Yes. On the basis of voluminous testimony that I have heard through the years as a state legislator and now a national legislator, I am very concerned about the entire area of student labelling.

I am concerned about the fact basically that we do not start from the basic premise that there is an equivalency of educational experiences for all of the children in any one given state so that we can make this kind of a judgment.

I am further concerned that this kind of process has built into it the potential labelling of a student for life. I have many, many deep concerns about this entire area.

Q Well, given your concerns, what is your view with regard to how states should approach the issue of minimum competency testing?

A Well, I really feel that states have to move in the direction of realizing that we cannot approach this

issue from an emotional level. We have to have a very rational approach to the question and secondly we have to recognize that the equivalency of educational preparation is not existent in the system of public schools across this nation.

Since we are preparing young people to function in a highly automated and technological society, we have to be very sure that we do not place the onus and the burden of responsibility on the shoulders of the students in this country when it has been proven over and over again that students who do not necessarily function in a traditional classroom setting can succeed, and that we use this as some kind of a scapegoat mechanism in order to veer away from the systemic difficulties of the educational system in this country today.

Q Is it your perception that damage may be done to students through mislabelling by MCT and that perhaps some of that damage is now going on by tests and standards that are misapplied?

A Yes, that is my perception. I am very deeply concerned about that because I know of individualized cases where students were really placed in the trash heap in a sense, the educational trash heap, as a result of this kind of testing only to find later that in a different kind of educational milieu that was responsive to the unique

differences and the kinds of backgrounds from which they came, that they succeeded.

Recently we discovered two young people who were placed on the educational trash heap and are now near geniuses in terms of the intelligent quotient, whatever that might mean.

So there is a real inherent danger in using this kind of testing across-the-board.

Q Just one final question. Is it your belief that minimally, further study of this issue is required by states before they begin to adopt additional standards?

A Yes. I firmly believe that we further study into this. I want to make it quite clear that there are some potential benefits in competency testing. For example, you have the question of educational accountability on the part of the professionals.

Secondly, there are some negatives and the real negative here is the question of student labelling which can follow a student not only in the world of the schools, but in the world of work. We must approach this issue in a very, very rational way, and there certainly needs to be much more research and investigation into this very controversial area.

Q You are not opposed to establishing standards for quality education, are you?

A Oh, no. I am not opposed to establishing standards for quality education, but I want to be sure that we start from the very, very basic premise that we are going to apply the standards and that the equivalency of educational experiences is applicable in all of the schools that will be engaged in going through these various tests, and that is not so in this country right now.

MR. HENDERSON: Mrs. Chisholm, thank you. I have no further questions.

HEARING OFFICER JORDAN: Would you remain seated for cross examination?

CROSS EXAMINATION

BY DR. POPHAM:

Q Congresswoman Chisholm, you indicate that you are not currently satisfied with the quality of schooling in this country. Is that correct?

A That is correct.

Q And you indicated that you are not opposed to minimum competency testing in all its forms?

A That's right.

Q Would it be fair to say, therefore, that a minimum competency testing program under optimal circumstances -- that is, circumstances designed to improve the quality of instruction rather than to penalize youngsters might provide more students with the skills they would need in later

life?

A Yes. I would have to say to a certain extent that the quality of instruction is certainly very important but, in addition to that, one has to deal with the commitment and the concern of the persons who will be pursuing the instruction.

I have some doubts about that on the basis of my observation during the years.

Q Based upon your considerable experience in education, do you think -- and this relates to your observation about the difficulty of isolating the basic skills that are needed and they vary from state to state, given our nation's organization towards local curriculum determination, -- that state educators working collaboratively and involving all concerned groups could come up with a fairly reasonable estimate regarding what fundamental skills in reading, writing and mathematics ought to be fostered in that state?

A Oh, I believe that anyone can really -- given the training, background and preparation -- come up with some kind of basic program that would indicate that. But I really still do feel that we also have to look at the background of these persons who usually put these tests together to recognize that so often they are skewed from a certain direction only.

I dare say that a person who has come from a poverty-ridden background, a person who has not been at the middle or upper economic rung of the ladder, would actually put questions together in a far different way from a person who has not been exposed to poverty-ridden or so-called inner city areas.

This bothers me. There is not enough of an individualization of the different kinds of persons that really come forth with these tests.

Q If I understand you, you are displaying concern about the potential bias of tests?

A Correct.

Q I wonder if you are familiar with some of the recent efforts on the parts of states and many designers of minimum competency testing programs to eradicate this form of bias by subjecting their tests to substantial empirical testing in the field to see if youngsters of different ethnic groups, for example, respond to the items differently and to have those items reviewed very carefully by people representing all such groups?

It seems to me there has been a great intensification of effort to eradicate such bias. Are you familiar with some of those efforts?

A I am not familiar specifically, but I have done a great deal of reading in terms of the fact that a great many

states and professional educators, as well as concerned and knowledgeable lay citizens have been looking at this entire area through their eyes at this particular point, and I note that just recently -- I can't remember which state it was -- there was a pull-back in terms of using the standardized test as a way of ascertaining the accomplishment and achievement level of students because they felt that there was something built into these tests that was not exactly fair.

Q Your position strikes me as being an inordinately reasonable one and I am glad you are presenting your case early here because I would like to consider you a partial pro team witness. But you have made one statement that I would like you to respond to, and that is that you are concerned about the potential adverse labelling of youngsters as incompetent, as not sufficiently skilled.

There is another concern which I have that troubles me even more and that is to falsely deceive youngsters into thinking they possess basic skills which, in fact, they do not. In other words, awarding them diplomas which are essentially meaningless.

When you weigh these two fears, which I am sure you must share in part, how do you come down on that choice?

A Oh, I will have to come down on the fact that we

should not be awarding persons diplomas if these diplomas are not going to help them to compete in this highly-automated society. We have to recognize that certain things would have to be done in the educational area in order to make sure that these students or these young people have the requisite skills.

I think, however, that there is a tendency too much in America to place the blame on the shoulders of the victims and on the shoulders of the children, and I have been convinced after 21 years of being out here politically and educationally that just about every child is educable. But it is important to know that there is the commitment, the courage, the concern and compassion on the part of all professionals to move in the direction of this very basic belief.

So I just feel that we can't continue to give young people diplomas for which they do not have the skills. The employers all over this country are complaining over the fact that so many young people are not able to write, read, do mathematics or even comprehend, in spite of the tremendous amount of dollars that we place in education in this country on the state level and on the national level.

So when you see that disproportionate numbers of young people in this country are not achieving, we then have

to take a very serious look at a reassessment of our educational system in terms of the '80s and even the '90s as we move into the years ahead.

DR. POPHAM: Congresswoman Chisholm, we are all in your debt.

HEARING OFFICER JORDAN: Redirect?

REDIRECT EXAMINATION

BY MR. HENDERSON:

Q Congresswoman Chishclm, you have indicated previously that you believe that there are some proper uses for minimum competency testing. Would you support the use of minimum competency testing as a sole criterion for the award of a diploma or grade-to-grade promotion of students?

A No, I would not support minimum competency testing as a sole criterion because I think we have to recognize that requiring getting the skills that are necessary to succeed in this society goes beyond just the mere academic preparation. There are other things that we have to take into consideration, such as teaching the individual to think -- teaching the individual to make judgments on certain decisions which certainly do not come under the purview of educational testing standards.

So there is a composite of a number of things that I think should really enter into the preparation of a student for the securing of a diploma rather than just

looking at the testing alone.

Q You mentioned earlier that you are one of the cosponsors of a bill in Congress in Truth in Testing. Some of the tests which are currently being used among the states are closeted away from public scrutiny and review.

What are your views about the secrecy in testing, particularly as it pertains to disclosure of items to students and information which may help them in preparing for future tests?

A I have some very negative views about that. Nothing should be done in secrecy, particularly anything that is going to have a determination on the lives of people and their future in this country, the lives of students who are going to be the future adults of this country.

The real question about the Truth in Testing legislation can be applicable also to the Truth in Lending legislation, opening up everything so that persons know where their deficiencies are, persons know the areas where there are necessities for improvements so that they can improve, so that they can move in that direction.

There has been far too much secrecy surrounding the area of testing in this country and we are convinced that it is necessary to bring this out in the open precisely because the lives of thousands of persons in this country ultimately are decided on the basis and the conclusions of

some of these tests.

I wish I had time to give you some details on some of the things that I have learned as a result of this inquiry.

MR. HENDERSON: Thank you again.

HEARING OFFICER JORDAN: Recross?

RECROSS EXAMINATION

BY DR. POPHAM:

Q Ms. Chisholm, are you familiar with any minimum competency testing programs where passage of the test is the sole and primary criterion for graduation, or is it not the case that frequently a student must also pass a certain number of credits in high school, a certain grade point average and attendance and so on?

Are you familiar with any in which it is the sole criterion?

A No. I am not familiar with any in which it is the sole criterion, but there is a disproportionate skewing in that direction.

There is no question in my mind, particularly with respect to students that come from many, many areas of this country in which there have not been the equitability of educational experiences and there has been a tendency on the part of an insensitive school board and insensitive local educational agencies to rely on the testing as the major

determining factor for that particular group of students.

Q You have not the opportunity to hear all of the pro team's witnesses, but when you watch this on television, as I am sure you will, you will observe that many of those programs described have a great deal of openness with respect to the tests that are being used. The nature of the tests are well described.

MS. PULLIN: I object. Professor Popham is testifying, not examining the witness.

HEARING OFFICER JORDAN: Dr. Popham, it is not necessary for the Chair to remind you constantly that the testimony comes from the witness and not from the interrogator.

DR. POPHAM: It is not necessary, Professor Jordan, but it is pleasant to hear from you.

(Laughter)

BY DR. POPHAM: (Resuming)

Q Let me rephrase that, Congresswoman Chisholm.

Are you familiar with the many minimum competency testing programs in which there is great clarity regarding the nature of the tests, clarity that is available both to students and to parents?

A No, I am not familiar with many of those. I am familiar with a number of tests, but not enough to satisfy me. I might as well put it that way.

Q But if there were such programs, they, I suspect would be consonant with your preference for openness with respect to testing?

A You see, there are other factors that are involved here. We keep coming back to the question of testing.

I cannot think about the testing of young people in this country without also thinking about the preparation of the kinds of teachers and instructional staff that you do have. There is a direct linkage in my own mind between these two component parts.

So I just tend to feel that a disproportional amount of attention is focused constantly and persistently in the area of tests..

Maybe that is a bias of mine, but I must be honest with you.

DR. POPHAM: Thank you.

HEARING OFFICER JORDAN: Thank you.

Thank you, Congresswoman Chisholm for coming and helping us on this issue, at least giving us your views.

Now we are back to the review and presentation of the argument for today, which I trust Dr. Popham is ready to give us.

OPENING ARGUMENT BY DR. JAMES POPHAM,
PRO TEAM LEADER

DR. POPHAM: We wish to preview briefly what our

case will be like today. We are going to start off by presenting representatives of four states: Florida, California, Texas and Illinois, to describe the minimum competency testing programs now operative in their states.

Our initial witness, indeed, will be the Commissioner of Education for the State of Florida, Florida having attracted considerable national attention since it was in the forefront in the creation of minimum competency testing programs with binding requirements for the receipt of a high school diploma.

In the presentation of their cases, we will attempt to emphasize the major positive effects which we believe result from high quality minimum competency testing programs. More students will learn basic skills. Those students will have positive attitudes towards themselves and school, and they will master skills other than the basics.

There will be positive effects on the curriculum and teaching, and these positive effects include the isolation of worthwhile curricular emphases; increased teacher effectiveness because of the clarity with which those competencies are stated; and broadened curriculum coverage, and, finally, positive effects on public perceptions of schooling with the clear recognition that seat time has been abandoned as a criterion for promotion, that the schools' curricular emphases are better understood

and that, most importantly, there will be solid evidence that students' skills in reading, writing and arithmetic have been increased.

These are the three issues of this hearing. Professor Jordan has reminded us of the three issues of the hearing. They concern whether positive or negative effects occur on students, on the curriculum and teaching, and on the public perceptions of schooling.

Note that throughout our presentation of witnesses, we will continually support the positive effects resulting from high quality minimum competency testing programs.

We have a witness representing the Wisconsin Education Association who will describe for you the views of his organization with respect to minimum competency testing legislation currently pending in that state. Our concluding witness is one of America's most distinguished experts on educational measurements, who will deal with a myriad of technical issues regarding minimum competency testing.

We hope to be able to demonstrate by this array of witnesses that the minimum competency testing programs of high quality would indeed have positive effects.

HEARING OFFICER JORDAN: Thank you, Dr. Popham.

We are now ready for the first witness, Commissioner Ralph Turlington, Commissioner of Education,

Department of Education, State of Florida, Tallahassee, Florida. Commissioner Turlington?

THE PRO TEAM PRESENTS ITS CASE

RALPH TURLINGTON

COMMISSIONER OF EDUCATION, DEPARTMENT OF EDUCATION

STATE OF FLORIDA, TALLAHASSEE, FLORIDA

DIRECT EXAMINATION

BY DR. POPHAM:

Q Mr. Turlington, what is your position in the state of Florida and how long have you held that post?

A I am Commissioner of Education for the state of Florida. I had that post by appointment to fill a vacancy, appointed by then-Governor Ruben Askew. In November of that year, 1974, I was elected to a full, four-year term. I was re-elected in 1978.

Q Briefly, would you please describe the main features of the Florida minimum competency testing program?

A Yes. In 1976, after reviewing our previous accountability program, the legislature enacted a law, a great portion of this had been recommended by the Department of Education. It added one feature that the Department did not include in its original recommendation.

That provided that we would test for minimum basiccompetencies at the third, fifth, eighth and eleventh grades and that students would not have to pass that test,

but the test could be used as evidence that they had achieved those minimum competencies and then the law also provided that we would test early in the year and that students, during that year, would prove that they had met those minimum competencies.

The law did not provide that the student absolutely had to be held back if they did not meet the minimum competencies, but it did provide that that was to be taken into account and the student promoted without those minimum competencies, that the pupil progression plan required of the district would have to include provisions that that student would have those particular minimum competencies met or addressed at a subsequent time.

Then the legislature added an additional requirement which frankly, at the time, I think most of the educators and people in Florida, certainly the educators, did not think was such a great idea. That was a diploma requirement.

It said that commencing in 1979 that all students who graduated from a Florida public high school would pass a test demonstrating functional literacy. That part of the program subsequently turned out to be one of the most strategically and tactically beneficial actions ever taken to improve education and yet I don't think it was foreseen that that is what the result would be.

We had also adopted with that, or in the following session, a provision for a compensatory education program with which to assist the schools in meeting the special needs of the students identified as needing help in order to accomplish these minimum competencies and to pass our functional literacy tests.

Q Funds were provided, then, to support students who needed additional help?

A Yes, they were.

Q In Florida, the legislation that created the diploma requirement was fashioned in such a way that the passage of the minimum competency test was the sole and primary criterion for graduation?

A No. The law provided that each district would adopt -- and that would be the school board, that is local control, locally elected school board -- a pupil progression plan. That pupil progression plan would incorporate as a part of its requirement the state minimums, but the district would then make provisions for what other requirements they deemed educationally appropriate, or appropriate.

It included as far as graduation requirements were concerned that the districts could specify additional requirements, and they would. All of them have, in addition to the state minimum requirements. So we have a combination of things that a student needs to accomplish in order to

graduate with a regular diploma.

Q So it is correct to say that the passage of minimum competency test is not the sole criterion for graduation?

A No, it's not the sole criterion.

Q Are the tests in Florida's minimum competency testing program multiple choice tests?

A Yes, they are multiple choice tests.

Q Have those multiple choice tests proved suitable for your purposes?

A No test proves perfectly suitable. For example, in the writing, we believe that you need -- in order to test someone for writing, to really test them, you need for them to write. But multiple choice is a very useful tool. It is not a perfect tool.

I was interested to notice people attack multiple choice questions, that the con team, for example, previously had one witness who testified that under no circumstances was a multiple choice question worthy of use.

That was followed by a back-to-back witness who said that he had prepared a test which was the sole criterion as to whether or not --

MS. PULLIN: I object to this line of response. The witness is reiterating testimony that we heard yesterday.

HEARING OFFICER JORDAN: I feel that the witness is laying a predicate for the response which he is giving to the question which was propounded to him by Professor Popham, and as far as I can detect what he has said in recounting and recalling testimony from yesterday is accurate, and I must allow him to proceed.

THE WITNESS: The witness was the principal craftsperson or director for putting together what we refer to as the GED test under which millions of persons have received high school diplomas. That test is a multiple choice test. It is a test that a student takes. If he passes it he gets a high school diploma; if he doesn't pass it, he doesn't get the high school diploma.

But it is a multiple choice test. It is recommended and proposed and the program, I think, has been a satisfactory program and one that has been found useful in America. They use multiple choice tests.

No multiple choice test, no test, is a perfect instrument. Nor do we claim that testing should be the only criteria in terms of how you judge or promote or relate to your students recognition of achievement. Clearly, multiple choice questions can serve a very useful purpose in operation of an educational system.

BY DR. POPHAM: (Resuming)

Q Thank you, Commissioner.

You have indicated that it was the legislation, indeed modification of earlier legislation, that established the diploma requirement. What factors led the Florida legislature to mandate this requirement?

A I think it was a general dissatisfaction about whether or not we were getting the job done. I think here is a statement, the Early Assessment Program developed from the Educational Accountability Act of 1971 -- we had an act in 1971 under which we did some sample testing, and in a year or two we also had universal testing of perhaps one grade or more.

It clearly indicated that there were many children in Florida schools who were not learning much of what the schools are expected to teach. In other words, no, we weren't getting the job done.

I might add, I think we were getting the job done as well as many schools and states were getting them done in the United States of America, but I think we have to be honest about it and say that we were not accomplishing what we should have been accomplishing and, yes this was a response to that.

It was setting up a test program and then moving with our compensatory education program to see that we gave our students a better break and better opportunity in life.

Q You believe then, that the legislature was, in

fact, reflecting the public sentiment in your state, which suggested that improvements were needed?

A It reflected the public sentiment. It reflected, clearly, a great need.

Q Speaking as Florida's chief state school officer, what is your assessment of the competency assessment program on Florida's education?

A It has been very successful. It has been very positive. And it has grown to be increasingly supported by the people in our state.

I look at the support that came out shortly after the test was first given in 1977. It had, although our results were disappointing, the test program had strong support.

I looked at a poll that was taken some two years later and I found out that the support had grown still stronger. If you were to take a poll in Florida today among all of the elements and those would include persons in education or persons who are in the population generally, both majority and minority individuals, I think you would find in all of those instances very strong support for our testing program.

Q What was your personal view regarding the legislation that created this? One often finds people in your position somewhat threatened by the imposition of those

kinds of laws.

A Yes. I have noticed quite frankly that educators, at least at first, are very skeptical and very doubtful of the program. I will give one illustration of that. We have Dr. Walter Young who is Chairman of our House Education Committee. Dr. Young said, "You know, this program goes against every philosophy that I was taught and it is working." He was surprised -- and that is really what is happening.

When we started off, I don't think we had a majority of educators in Florida that really basically thought that it was going to result in a positive effect. That is no longer the case. There is overwhelming support in Florida for the program from educators and the public generally, from students and from parents.

Q It seems very important. You say not only is there positive support from the public which might have been expected to be supportive since, as you indicated, it was the initiating force, but from the educational community as well?

A There is now -- and, you know, we talked a little earlier about the diploma requirement which was really not in our original recommendations. Mr. Terry Fall, who was the Director of our Public Schools Division some time after that program started said, "You know, we weren't very strong

on that but now that we have implemented that program we have come to realize that was the single greatest catalystic action that we took to bring about educational improvement in Florida."

And so today I can say with personal knowledge that we have numerous educators in Florida who were very skeptical of the program at first who are, today, strong supporters. We are supported by the principals, by our superintendents. I am satisfied now that we have a strong majority of teachers who support the program and want to see the program continued.

I have talked with students, with parents. I know of no group -- I have talked with minorities and I know of no group in Florida taken as a whole that does not support the continuation of our testing program.

Q I realize it is very early in the evolution of your program but, nonetheless, you were one of the earliest states to move in this direction. Do you have any indication that the program is having positive or negative effects on students' skills?

A Yes. You can look at the results of our testing program, the basic skills program in grades 3, 5, 8 and 11 and you can see in that very positive results. Students have acquired more appreciation and the ability to utilize the basic skills of reading with understanding and math and

using math in a functional way.

It has had a positive effect in terms of how we regard ourselves in education. Before we adopted this program, we were on the defensive in education, and you can well understand it. Today, the people of Florida are supporting us. The legislature of Florida is supporting education better than before. That wouldn't have happened if we hadn't had this program.

We were losing credibility. The people wanted us to be responsive and they wanted us to be accountable. Today, we can go to the legislature and the people of Florida and say this is what we are doing, this is what our commitment is, and we are now working more seriously. Our students are learning more, our schools are better, and we ask for additional support.

The legislature has increased the funding for our compensatory education program. We have adopted a program of goals in which we say that over the next five-year period that Florida is going to move up to be a state of educational distinction. We will be in the upper quartile of educational achievement amongst the 50 states in this country, and we can do that.

This program was a catalyst for that. It has enabled us to get more resources. You look out and you talk with our people, our teachers, people in schools, and you

will find that yes, there is a greater degree of support, a momentum for educational improvement that I don't think would have been there had we not embarked upon this program.

Q How would you respond to the cricitism that test scores have risen but real student mastery of basic skills has not? Do you have any reason to believe that it's just the scores that have come up?

A There's no doubt in mind, from talking to principals, teachers, students, parents and others that real learning has increased. You know, you have to look back and see what was the state of learning in 1976 and before. You recognize that today we have literally thousands of persons who are today better readers, who are able to handle math in a way that they would not have been able to handle it if we had not embarked upon this program.

There is no doubt that persons have more learning today. Well, a person who is making that statement is safe only because it is extremely hard to -- well, how do you disprove a statement like that in the absolute? I can say this, that I have complete conviction that that is an erroneous charge.

We have absolutely improved learning in the state of Florida. Our commitment and our attitude and our momentum is positive. Yes, we are on the way up.

Q You indicated earlier that the response of the

public has been most positive. How has that positive response been manifested?

A It has been manifested in terms of support. I mentioned earlier that the compensatory education program has been increased. Each year the legislature has made additional contributions into our compensatory education program. We have a program called our Prep Program, and this program, we think, is going to put us in the forefront, particularly of education in our kindergarten through the third grade.

That program, by the way, we got what we referred to as our third installment. Some two years ago the legislature enacted this Prep Program to greatly strengthen the kindergarten and our first three grades and they said they were going to do it in three stages. They met every single one of those commitments.

We now have, based on our appropriation that passed just this past month, that we would have some 75 or 76 additional millions of dollars to improve education in kindergarten through third grade. We feel very positive about that and we know we are going to get some strong improvements in our early years. A good beginning should help to make for a better ending.

Q So your program in Florida is, then, definitely oriented instructionally as well as simply a requirement?

A It has enabled us to get better resources for our instruction program. It clearly has been a very strong motivator in terms of improvement of our educational program. It has taken us off of the defensive. It has put us in a position to be positive.

And it has enabled us to say, yes, we are going to have a goal now in Florida where we don't want to be average. We want to be a state of educational distinction and we expect to move into the higher echelons of education in the United States of America.

Q You have indicated that the public and the teachers are positive about the program. What about the students? How have student attitudes been affected by the program as far as you can discern?

A I have talked to a number of students and their attitude has been very strongly supportive of the program. Our Florida Council on Education has made a number of hearings around the state. I have attended some of those hearings and in each case students have testified and they have been very positive about it.

Students, you know, they want a diploma to mean something. You know, we have been -- that's really basically where we got into a lot of our problems. We have been in the social promotion business. We have been putting students along and not, incidentally, just in grade school

or high school. We have been doing it in our colleges and universities.

Now you have got to have some standards and you have got to be able to enforce those standards. I have with me here a statement from a teacher. And this was what the teacher said shortly after the program started.

"I think that so many teachers have felt over the years that it really didn't matter too much what they did, because we were not allowed, and I used that term advisedly, to retain the child. In this county we have had to give the parents permission to retain a child, as ludicrous as that may seem."

We say it is one thing to confer and talk with parents, but it's another thing to be working in a system in which you say you cannot actually hold a child back without the permission of the parent. That is what we have had -- social promotion -- in America to the point where we then have persons coming to the diploma stage who literally have not been able to handle reading with understanding, writing, or to handle math -- just fundamental math -- in any kind of basic way.

Q I would like your reaction to an observation made by a witness in previous testimony who indicated that the availability of minimum competency testing results might make it possible for the teachers realistically to resist

pressure to promote, make it possible, indeed, for them to hold back some students who might need that.

A I think there's no doubt, and just in the statement that I read from the teacher here, that the parent or someone else seemed to think that it was their prerogative as to whether or not the child should be promoted. That was the condition in which we found ourselves in many Florida schools.

And I might add I am not really talking about Florida schools. I'm talking about a number of schools in this country. We checked that. We think Florida schools are today above average in educational accomplishment. We think, incidentally, when we started this program that we may have been a little below average.

We know this program has helped to move us up in terms of educational accomplishment.

Q Commissioner Turlington, one of the very touchy problem areas associated with the Florida program is the fact that more minority youngsters have not done well on these tests than majority youngsters. How do you respond to the concern about the fact that perhaps more black youngsters may fail the test?

A One of the problems for black students has been low expectations and I have talked to many blacks in Florida. And the greatest complaint that they have made is

that we have not had the expectation of black students that we should have. Expect little, you get little.

Let's take a school -- Ribault High School, for example, in Duvall County -- Jacksonville. That school had only twenty percent of its students pass and it was a predominantly black school. It had only twenty percent of its students pass the math test when we started in October of 1977. That is, on the first administration.

This last October the students passed -- 84 percent of the students. Now, you know, black students can pass. We just simply haven't had the expectations. And you have to say here is the standard and you can meet that standard. You can be positive about it.

We need a positive attitude and a positive commitment. What we get is the negative idea you have been held back. You have been handicapped. But, you know, you can't do it. Actually, some of the very people who I think sincerely seek to help minority students actually implant very negative feelings. I think they do that inadvertently.

We need to be very positive and the evidence we have had in Florida is that you can make significant improvement in educational achievement in a relatively modest period of time if you expect it and you go out and you commit yourself to it. You will find those student attitudes will change just like in Ribault.

The students that took that test and passed with such a high pass record are essentially the same kinds of students that only one-fifth of them passed just a short time ago. We have to have a positive attitude and a positive commitment.

Q Would it not be true that many of the instructional support dollars that you have described have been funneled into improving the caliber of education statewide for minority students as well?

A Yes. Minority students have benefited, there is no question, from this program. We have a person in Mr. Rollins' end of Florida who worked for the migrant program. He testified one time, and I didn't know how he was going to testify.

He testified that he was for the program. I asked him why. He said, well, I am testifying for the program because this is a program that identifies students that need help and under this program we have identified them, and it puts some accountability on the system to see that the students get help.

That's what it does. The real beneficiaries of this program are the ones we have chiseled on or we haven't given a fair shake to in the past because of low expectations. We identify students now that need help and, by the way, when you have a school like Ribault that does

well, and here's another school that didn't do so well, they don't have that same excuse any more.

You say well, here is a school over here that has accomplished this. Their students and your students are similar and you can do it. And, you know, you put that in there. You can do it, you can do it, you can do it, you can do it. We are not asking for a standard that is anything but a reasonable standard to expect a person to have in the way of educational achievement when they receive a full regular high school diploma from a Florida school or from a school in the United States of America.

A diploma has come to mean very little.

Q So you believe that the program has installed not only a system of accountability but a series of positive expectations?

A That's unquestionable that it has. I can't say unquestionable because you'll have people that question anything, but I would say that I know that's the case.

Q You and your colleagues have been involved in the widely-publicized legal struggle involving the Florida minimum competency testing program. How does that situation currently stand?

A We had a case -- actually we have had five cases. The first three cases were resolved. We prevailed in all of the first three cases.

We have two cases that continue, one called the Debra P. case and the other called the Love case. The Debra P. case was heard recently in Atlanta. They remanded the case back to the Federal District Court in Tampa and said that what we needed to do now was to prove that we taught and that we teach what we test. That suits us fine.

We are teaching what it is that we are testing. Now someone will pick up on that and say we are teaching to test. I might add I hope so, because to pass our test you have to read with understanding and you have to be able to do math. So if anybody wants to teach to that test, let them go ahead.

So do we teach what it is that we are testing? The answer is yes. And we will go into court and we will present our case on it. And the court said if you do that, that is a fair test. You also have to remember that in the court cases the court ruled that we had a valid basis for setting the state standard for this, and we can constitutionally set such a standard and that our test, incidentally, was a valid test and that it was not a biased test.

Q So your obligation, then, is to demonstrate that the test is fair in the sense of the Court of Appeals ruling insofar as you teach what the test tests?

A That's right.

Q Very good, then, this will be resolved as some future time?

A It will be resolved.

Now the thing that we were most disappointed about was the postponement in terms of the diploma requirement. I think the postponement was far too long and I think that that cost us some momentum. But we didn't break stride. We kept on. We did not turn back and we are not turning back.

The Court has said to go ahead and make this one of our several diploma requirements in school year 1982-83. I think that was too long, but we have a group of students that just took the test and they will be required to pass the test along with meeting their other regular graduation requirements in school year '82-'83 in order to receive a Florida diploma.

Q It's quite apparent that you are enthusiastic about your state's minimum competency testing program. What do you view will be the long-term impact, and this is my concluding question, what do you view will be the long-term impact of the Florida minimum competency testing program to be on education in your state?

A What it's really done is it has brought about something of a rennaissance in Florida education. The program that we have started, and that Governor Graham and the Cabinet and State Board of Education has unanimously

adopted, the goal, to put Florida in the forefront of education in the United States.

And, incidentally, the legislature is supporting this. With that, incidentally, comes moving our teachers and our instructional personnel into the upper quartile of teacher compensation over a five-year period -- those two things moving together.

We have adopted a program to put us in the upper quartile of educational achievement amongst the states. Yes. I would give you one of the goals that we expect to set. We have about 3.8 percent of the students in America, maybe a little more. One of the goals is that by that fifth year we will have six percent of all of the outstanding mathematics students in the United States, where our share would be 3.8 percent. And we expect to have six percent.

I tell people if we can grow more than our share of tennis players we can grow more than our share of good mathematicians. We can do that. And our program in terms of excellence is not limited to just math, but we put that across a very broad spectrum.

We have an excellent vocational program. Yes, we expect to be a leader in America in education, and if we had not embarked on this program I think we would have been back there still in the doldrums, just plodding around from one time to another. It has been an excellent catalyst.

It has had the best effect of any single thing that we have done for education since I have been in public life. And although I am a very young man, that goes back to 1950.

DR. POPHAM: Thank you very much, Commissioner.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY MR. HENDERSON:

Q Mr. Turlington, are you a trained educator?

A No.

Q What is your background, academic background?

A My academic background. I received a degree in business administration from the University of Florida. I received a Master of Business Administration from the Harvard Graduate School of Business.

Q You stated that the position of education commissioner in your state is an elected post?

A Yes.

Q Political popularity, no doubt, plays some part in the election of anyone to that position, is that correct?

A Well, if you are going to be elected you would hope that people would vote for the person of their choice.

Q I assume that was rather logical. I thought I'd ask it.

Based upon your margin of victory, which I

understand was considerable, in the last election, is it safe to assume that you are a relatively popular man in the state of Florida?

A I don't think that is ever safe to assume.

(Laughter.)

Q You were at least elected by a relatively wide margin, is that correct?

A Yes, and I voted for myself.

Q Do you attribute any of your popularity to your stance on the state's functional literacy test?

A Well, yes. I think that we are on the right track and you bet, I support the program. I support what we are doing. If I didn't support what we're doing I would need to get out. I believe in what we are doing.

Q May I conclude, then, that your support for functional literacy may have played some positive role in your election?

A. Yes, and I hope you're not opposed to functional literacy.

Q Not at all. Let's examine for a moment, if we can, the test itself. Now Mr. Popham, of course, raised the issue of the current litigation which is going on in Florida surrounding the test. We certainly have been very much aware of it.

How many studies have you or your department

sponsored to determine the validity of the functional literacy test?

A In terms of the nuts and bolts of that, when you say studies, it has been studied continuously. And then, of course, if you want to get into the preciseness, you ask the question of am I professional educator, and my answer is no. But I will say this, that I know that it has been studied, evaluated, and we are constantly -- we are constantly at it.

Q Are you familiar with a validity study which was performed on your program by F. J. King in 1977?

A Yes, I am partly familiar with that.

Q There is a quote extracted from that study -- I believe it's on page 22 of the report, indicating that: "No data exists that indicates that the score," meaning the score on the test, "will actually separate functional from non-functional individuals in a given population". What does that mean to you?

A Well, that means that in the field of social science it is extremely difficult for anyone, whether they are a trained statistician or whatever they might be, to prove something in an absolute sense.

Q It doesn't mean, though, that the test, because of its imprecision, is not going to do what you suspect it would do in the first instance?

A Well, the Court held that we have a test and it has content validity. Is that what you mean?

Q That's close enough. Is that really what the Court said? Isn't it true that all the Courts who have considered this issue have ruled that the test illegally perpetuates the effects of past racial discrimination?

A You shifted your basis. Before we were talking about valiiity and we pointed that out. Are you talking about the functional literacy?

Q I am talking about the functional literacy test in Florida, that's correct.

MR. ALLEYNE: Professor Jordan, I would like to object to the question. The witness is not an expert on Court precedents and I think that he is not in a position to answer a question relating to what all of the courts have held in a particular area.

MR. HENDERSON: I would simply like to mention, of course, that Mr. Popham introduced the issue of federal litigation which is currently ongoing in the state of Florida and Mr. Turlington, of course, did testify as to what the Courts had held in various instances. I thought I would get him to elaborate on that.

HEARING OFFICER JORDAN: I will allow the Commissioner to give his thoughts about these pending cases and the results because he can do that. I thought you were

going to object to the great deal and great amount of testimony that we have coming from the interrogator, but you do not object to that, so I assume that it's all right with you.

MR. ALLEYNE: Any time we get a leading question which helps us we will not object.

BY MR. HENDERSON: (resuming)

Q Mr. Turlington, would you answer the question? Isn't it true that all the Courts that have considered the issue of the functional literacy test in Florida have ruled that the test itself illegally perpetuates the effects of past racial discrimination?

A That is not my interpretation of it. Talking about the test, remember that the Court ruled that in 1982-83 that we could take the test and give that in 1982-83 as a diploma requirement. And in the meantime, that this test, which is a nonbiased test and the Court said it was a nonbiased test, that we could use that test as a basis there for determining students that needed assistance and in effect to have that used by school districts for assignment of students to courses where they particularly needed help.

Now that doesn't sound to me like they said this was not a valid test or a test --

Q I didn't say that the Court said the test was invalid. What I asked about about the effects it had on

perpetuating past racial discrimination, but you have answered that.

Let me ask you, my impression of what the Court said was a bit different. I thought the Court had said that there were errors of considerable magnitude in your test.

MR. ALLEYNE: Now the interrogator is testifying. We are getting into a dispute over what the Courts have held and the best evidence of what the Courts have held are the Courts' opinions.

HEARING OFFICER JORDAN: Your objection is well taken and I would caution the interrogator.

MR. HENDERSON: Thank you. I will certainly withdraw that question.

BY MR. HENDERSON: (resuming)

Q You mentioned, of course, that the Court has suspended implementation of the diploma sanction that was a part of the original --

A Until 1982-83. I think that that was too long of a delay, yes.

Q But you are getting improved results on your tests amongst your students?

A Do you want to know how I analyzed that? Yes, we did not break stride. We went out. We did not roll over and play dead. Incidentally, the people that brought the suit were simply, in my judgment and my belief, were trying

to destroy the testing program. We did not stop with that. We have continued our program. We have continued our basic skills program. We have continued to use that test, for example, to identify the students and to place them in the classes or courses in which they could receive additional help.

Let me give you an illustration if I can.

Q You did answer the question and I appreciate it very much.

I was just curious about one other point. That was that since you are getting improved results amongst your students as a result of the test, why is it necessary to impose the diploma sanction?

A One of the things about the diploma sanction, that is something that is meaningful. Frankly, one, a diploma ought to mean something. It is ridiculous, as one of the witnesses previously testified, it is ridiculous. They didn't say ridiculous, but I agree, we have no business giving diplomas -- high school regular diplomas -- to persons that cannot read with understanding, cannot write and cannot do math in a functional way.

Now do you want us to continue an educational system, keep this kind of social promotion and permissiveness going? We need for students to know that this really counts.

Q So does it mean, then, that all of diplomas which are issued in the absence of a diploma sanction are invalid, that students who are currently graduating from schools --

A Well, it means when I look at a diploma I cannot rely on that diploma as telling me that that person is able to handle reading, that that person is able to handle writing, and that that person is able to handle math. So in that respect you can't rely on that alone.

By the way, I comment not just about K through 12, but social promotion and overpermissiveness has been going on throughout colleges and universities, and we are waking up to that. You can't rely on the fact that just because a school is accredited and the person got a diploma that that individual has got those things that we would just fundamentally associate as being basic with those credentials.

Q Do I imply correctly that the diplomas now being issued are invalid insofar as academic prediction is concerned because they are not tied to a diploma sanction?

A If you want to know the truth, yes. Some of the diplomas are invalid and some are not. I would like to make the diploma valid.

Q You have answered the question. I appreciate it.

Just a few more. As far as you know, have there been any changes in the Florida functional literacy test

since its implementation in 1977?

A Of course we have different questions.

Q Item-type changes?

A Item-type changes, yes.

Q Were any of these changes affected by the results of the validity studies conducted?

A Any time that you study items and you are working on new items then you are going to do your best to improve any product. By the way, all of us can improve what we are doing. You could improve your questions and perhaps I could improve my answers.

Q How do you know that the revised tests have the same degree of difficulty that the original test that you implemented back in '77 had?

A As you pointed out, I am not an expert, so I go to the experts. We have experts in our department and others, and they tell me that we are able to say with absolute confidence that those tests represent, in terms of student achievement, an absolute increase.

Q But there have been changes over the last several years?

A You wouldn't want us to give exactly the same test.

Q If it was a perfect instrument I wouldn't have any problem with that.

Let me ask you a question.

A I would.

Q Given what you said about the changes in the test, may we conclude, then, that the test is not in fact a perfect instrument?

A Yes, you may conclude that.

Q How were the passing scores for the communications and mathematics sections of the test determined?

A Those were done by staff, committees, review persons that worked on it, and then they made a recommendation.

Q What was the educational basis for preferring the passing score -- I believe it is a 70 percentile passing score?

A Yes.

Q What was the educational basis for that?

A Educational judgment.

Q Educational judgment?

A Yes.

Q Would a one point reduction in that passing score affect the validity of the test, to your knowledge?

A It wouldn't affect the validity, nor would a ten point change affect the validity. I don't think that the two would be related.

Q So in other words a reduction by one point or ten points would not have any real impact?

A You may have something in mind in your question that I don't understand or perceive.

As I understand your question, my response would be correct. You may have asked your question intending something different than I intended to answer.

Q Let me see if I can elaborate and help you understand where I am going. If I could demonstrate that by lowering the passing score by three perhaps statistically insignificant points you could increase the passing percentage of black students by almost six percent in communications and almost 13.5 percent in the mathematics section of the test, what would your reaction be to that?

A My reaction would be that we should have a test that is set with reasonable expectations for students who are going to receive our diploma, and that's what was done. We would be ready to -- well, that's it. We set that.

We had a nine-hour hearing in terms of officially adopting the score that we use. Now, you know, you could change that and whatever you do, if you change the score up, then fewer people would pass, and if you change the score down then more people would pass.

Q But if I told you that significant numbers of students would pass by a reduction of the passing score by only three points, I am curious as to how you would react to that. What is the concern that you would have about doing

so?

A I think that, and I think we have evidence of this, that where students can pass -- you know, if you expect more you will get more. There is no reason for us not to expect of our students reasonable standards and requirements.

I am not an expert in terms of what a score "ought to be". However, I think I have enough good instincts to hear our experts and others testify and then, along with others, to vote for --

Q Suppose you had lost the recent election by a vote or two. Would you have demanded a recount?

A I wouldn't have demanded that. I would hope that maybe a friend would.

Q You said that the test is not the sole criterion for giving a diploma in Florida, is that right?

A That is correct.

Q But can a student get a diploma without passing the test?

A Well, until 1982-83. And, incidentally, I think that did cost us some momentum in our program. We have continued with our program, and the very fact that our scores have been reported and the media picks that up, it gives great importance or continued importance to the test.

But I think that you will find that the diploma

sanction is something that very definitely would be a very strong motivator and will improve the educational excellence.

Q You said earlier that it was not just the scores on the test but the actual skills. Do you have any evidence to support that idea from your program, or from other data sources?

A Actually during this time we have had improvement in terms of our relative standing with other states on such things as college entrance exams, yes. While others have been falling during these past several years our scores have been holding their own or moving up. We have gone contrary to the national trend since we started this program.

Q You mentioned earlier that your state now has a compensatory education program that was implemented in 1976 with a change in the legislation governing it.

A In '77, yes.

Q Wasn't, in fact, that compensatory program adopted one year later, after the very high failure rates became evident?

A It was adopted in 1977, in the spring. The test was given for the first time in October of 1977. It was adopted in advance.

Incidentally, the legislature has been strongly in support of our program, as has been the public and the media.

Q Were student sanctions on the tests first imposed

at the early grades or at the high school level under the program of functional literacy in Florida?

A Were students sanctions?

Q First imposed at the earliest grades, meaning K through 3 or 4, or at the high school level?

A Well, the sanctions, whatever you care to call it, whatever term you might want to use, the law applied to each of those points -- third, fifth, eighth and eleventh grades. And then, of course, the diploma sanction in '79, where the Court postponed that -- the diploma part -- until 1982-83.

Q We heard yesterday testimony from witnesses in South Carolina which discussed the program there and indicated that there was concern at least within their state about imposing sanctions on students in high school because they felt that some unfairness would result.

Apparently that is not a concern you have had in Florida.

A I think everybody has a concern with fairness and concern with student achievement. I would say this, that I can say with total conviction that today thousands of people in Florida are readers, are able to handle math, who would not be readers or able to handle math if we ha not had this program.

It has been a lot fairer to them to operate under

those circumstances than it is to give them a diploma notwithstanding the fact that they could not read with any understanding or able to do math.

MR. HENDERSON: I have no further questions. Thank you.

HEARING OFFICER JORDAN: Thank you very much, Commissioner.

The next witness is Mr. Morris Andrews, Executive Secretary, Wisconsin Educational Council, Madison, Wisconsin.

TESTIMONY OF MORRIS ANDREWS

EXECUTIVE SECRETARY

WISCONSIN EDUCATION COUNCIL

MADISON, WISCONSIN

DIRECT EXAMINATION

BY DR. POPHAM:

Q Mr. Andrews, what is your current position and how long have you heli that post?

A I'm the Executive Secretary of the Wisconsin Education Association. I have held that position since September of 1972.

Q Would you briefly describe the Wisconsin Education Association? What is it?

A It is a voluntary professional labor organization. We have 44,000 members. It was established in 1853. The organization has programs for its members in the

areas of research, legal services, collective bargaining, professional development, legislation and political action, and we are an affiliate of the National Education Association.

Q So, like many state education associations around the land, this is a prominent or the most prominent education association in your state?

A That would be a judgment. We are the largest education association or group of educators in our state.

Q Very well. Is it true that your organization has taken a formal position regarding the proposed minimum competency testing program being considered by the Wisconsin legislature?

A Yes, we have.

Q What is that position, Mr. Andrews?

A Our organization, through its policymaking bodies, has adopted a position supporting minimum competency testing if that program is developed at the local school district level, if the program is the one in the areas of reading, math and writing, if the tests are reference-based and if teachers play a large, significant role in the development of the test and in the remedial activities which flow from the program.

Q In an era when many teachers appear to be opposing minimum competency testing programs it is significant, I

suppose, or it would appear significant that your organization is in fact in favor of the program. How do you account for the fact that your organization came to this positive view?

A I think it is quite simple. Our organization is composed of individual members. The purpose for those people belonging to the organization is to have the organization do those things the individuals would like done. One of the ways that we make decisions is to do scientifically-designed periodic polls of our members and their attitudes.

We found that the members of our organization in large numbers support minimum competency education -- that is, in writing, math and reading -- and they also support the concept of this test being one of the conditions imposed on a student for graduation from public schools.

Following that poll the leaders of the organization and our appropriate decisionmaking bodies approved a resolution and directed that the organization seek and support a minimum competency program in Wisconsin.

The teachers and the leaders in our state believe that by initiating the program we could have more impact on the form and substance of the program, that the program as the result of educators' participation will stand a better chance of succeeding, as opposed to in many states where the

program has been imposed upon education.

We also believe that in Wisconsin that education is viewed very positively by the general public. The public schools in Wisconsin are good. For example, statewide students from the public schools do as well as the students from the private schools when they attend the University of Wisconsin at Madison.

We believe that by taking a position of being in support of and being one of the initiators that we would continue the public support for education in Wisconsin and that the program would be one that would make the most sense for the students in our state.

Q Then in contrast to many states where these programs were installed by legislative mandate or a state board of education, this might be one of the first states in which the teachers' organization played an active role in seeking the creation of that kind of program?

A I wouldn't know whether it would be the first state. We are playing an active role in that.

Q And as I understand the reason you wish to do so strategically is that you could help create a program which incorporated those several positive features you outlined earlier?

A Yes, plus we are representing the interests and the desires and the expressed wishes of our members. I

mean, our organization is democratic. We do what our members tell us to do.

Q Then it would be fair to say that you see nothing intrinsic in minimum competency testing programs which would cause them to be opposed by teachers organizations such as yours?

A I think that properly structured that, at least, in Wisconsin we are willing to support it. However, when we say properly structured we mean some very specific things.

First of all, we mean that it is a local program. We mean that the standard for graduation will be established locally. We mean that whether it is a locally-developed test, whether it is a purchased test, or the use of the state sample, that it ought to be developed locally. Whether you are going to make decisions to test or not test, special education children ought to be a local decision.

The program absolutely must result in remedial programs and expenditures of money that have not been there before to correct the deficiencies.

If someone were to try to be in favor or bring forward a state program where the state did this, we would oppose it and we have opposed it in the past.

Q As a concluding question, would you please comment on the assertion that if properly conceptualized and implemented minimum competency testing programs can command

the support of enlightened teachers' organizations?

A We believe that the program being currently moved through the Wisconsin legislature has the possibility of creating an educational dialogue between the parents, the administration, students and teachers in each of our communities which will change the typical educational dialogue from business management to the education of the students -- what it is, how they learn, what problems we are having and how we can correct those.

We view that dialogue as being extremely productive and we think that out of that local discussion will come nothing but good for education.

Secondly, if the program is one where the local district has selected the items, we think that it can do productive things for students. And I have already mentioned that we believe that you must have a remedial component, once you find your results.

And, finally, we believe that there is good that can come from a local district deciding in White Fish Bay that the cutoff point will be 80 percent and another district they have a different dialogue and discussion.

Schools in this country historically are essentially locally controlled and that kind of dialogue and debate, we believe, will focus the attention of the community on the significant educational kinds of issues as

opposed to many of the things in the past.

We also believe that the test program, if it has multiple opportunities and is started in the early grades, and if there are multiple opportunities throughout the student's educational career and multiple opportunities at the exit level, has merit.

Finally, we believe and would not support a program if the program could be or was used for evaluation of teachers. We make no apologies for that position.

Q You may be pleased to know, if you didn't, that both sides -- the pro and the con team -- have repudiated that function of minimum competency testing.

Thank you very much.

HEARING OFFICER JORDAN: Thank you. Cross?

CROSS EXAMINATION

BY DR. MADAUS:

Q Mr. Andrews, I want to question you on one aspect of the Wisconsin bill. I am a little confused as to why you think that you need the diploma requirement in that bill. Can't teachers in Wisconsin, using tests and other information, make decisions on who should graduate?

A We believe that there should be a diploma requirement as one of the standards along with all of the other standards that the district has, such as number of courses, passing grades in those courses. The teachers

believe that by establishing a target, a minimum standard for performance in reading, writing and math, that you will increase students' proficiencies and that those students who in fact graduate, the public will clearly know have met that level of competency and thus the high school diploma will guarantee that understanding to anyone who has the diploma and to the general public.

Q And teachers themselves, through other educational endeavors that we heard some alternatives yesterday, can't do that? They need this sanction?

A Anyone who would say that teachers believe that there aren't other ways or that teachers don't believe that they are capable wouldn't be talking to very many teachers in this country.

Q Doesn't it bother you that -- I think it was White Fish Bay, the community you used -- White Fish Bay sets the pass score at 80 percent, and let's say Madison sets it at 70 percent? Can't a student move from one town to the other and be adversely affected, get a diploma in one town and not get a diploma in another?

A No, it doesn't bother me because the whole history of education in this country is local control, and today a student can move from rural Wisconsin to White Fish Bay, which is a very affluent, upper middle class suburb, and that student will be required to take more courses and

academically difficult program for graduation than they would in a rural program.

That is the truth and reality that exists throughout this country and has ever since we have had education. Essentially, graduation standards, except from some state-imposed minimums, are left to the local districts.

Q Isn't it true that the original bill in Wisconsin did have a provision to evaluate teachers, to use minimum competency testing to evaluate teachers?

A Not this bill.

Q The original bill. Not the amended bill, the original bill.

A The current bill, ever since --

Q The original bill, not the amended bill.

A I have answered your question twice. No, it didn't.

Q It didn't?

A It contained a provision with regard to not using the results of the scores for evaluating the teachers ever since this bill has been introduced in the legislature during this session.

Q You are saying there is no draft of that bill in which there was a provision to evaluate teachers using minimum competency tests?

A There has been an effort by some legislators to

take that provision out of the bill. The bill as introduced in the legislature has contained this provision. There have been efforts by other people to take that one provision out.

Q And the Wisconsin Education Association would be opposed to that provision?

A We would be opposed to taking the provision out, yes.

Q You are not opposed, though, to the diploma requirement for students?

A No, we support it.

Q Do you have a legislative committee in the Wisconsin Education Association?

A Sure.

Q Is that made up of teachers and chaired by a teacher?

A Sure.

Q Did you bring this bill to that committee for their input?

A No.

Q Is it true that the incoming superintendent of public instruction, commissioner of education -- I'm sorry, I don't know the right title -- has indicated that he has doubts about using the minimum competency test to award diplomas, that part of the bill?

A So far on at least two different occasions I have

seen letters from the newly elected state superintendent of public instruction supporting the bill.

Q But in those same letters didn't he have serious doubts about the one provision on the diploma requirement and said that it needs to be studied?

A I answered your question. I have seen two letters from Dr. Grover indicating that he is generally in support of the bill.

Q But not that particular provision of the bill?

HEARING OFFICER JORDAN: The witness has answered.

BY DR. MADAUS: (Resuming)

Q Isn't it true that the Wisconsin School Board Association is opposed to that requirement?

A The Wisconsin School Board Association is opposed to the bill in toto.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Any further questions?

Thank you very much for coming.

We will take a break for 15 minutes and return at approximately 10 of 11:00.

(Recess.)

HEARING OFFICER JORDAN: The hearing will come to order, please.

We will now have our next witness, Mr. Robert Schilling, Assistant Superintendent, Hacienda La Puente

School District, La Puente, California, and you may clear up that pronunciation once you get in the witness chair.

TESTIMONY OF

ROBERT SCHILLING, ASSISTANT SUPERINTENDENT

HACIENDA LA PUENTE SCHOOL DISTRICT

LA PUENTE, CALIFORNIA

DIRECT EXAMINATION

BY DR. POPHAM:

Q Mr. Schilling, what is your current position and what are your professional responsibilities associated with that position?

A I am the Assistant Superintendent in charge of instruction in the Hacienda La Puente School District in Southern California.

Q A little slower.

A My primary responsibility personally is the design of the structure and the content of the total curriculum of the district. In addition, I supervise a series of a number of curriculum specialists who design, implement, monitor courses of study to sort of breathe life into the total curriculum, and I administer a group of special services such as bilingual education, special education media to assure that every kid in the district has the best shot possible at achieving his or her maximum of learning.

Q So your primary concern is with instruction in

Hacienda La Puente?

A That's right.

Q Briefly will you describe the California situation with respect to minimum competency testing? What is it like in California? What is minimum competency testing in California?

A The California law requires that we assess once in grades 4 through 6, once in grades 7 through 9, and twice in 10 through 12. The skills that are tested at the lower level, 4 through 6, must articulate with those that are tested between 7 and 12.

The object, the intent of the testing at the lower grades is to diagnose the student's performance and skills. The testing at the upper grades is to determine if or if not the student meets the proficiency standards, and if not, he is denied a diploma.

I may say that the proficiency standards are only part of the requirements for a diploma. They have unit course requirements in California as well. The California law requires that each school district adopt its own competencies under the broad general areas of reading comprehension, computation and writing.

In addition to that, they develop their own tests. Each school district adopts its own standards of proficiency. The test must be given in English. Students

who do not perform well must receive remediation. Parents must be invited for a conference to determine a plan of action for the student, and there must be differential standards for special education.

The unique thing in California is that each district is an entity unto itself, essentially, in the minimum competency testing program.

Q So this is a state law which required local districts to establish minimum competency testing programs and passage of those tests linked to a high school diploma.

A That's correct.

Q But everything was done locally?

A That's correct. But in addition to that they must meet the unit course requirments of the district as well. So there is the minimum competency testing to graduate, but in addition to that there are unit course requirements that each district must establish as well.

Q So students must pass certain courses satisfactorily in order to get a diploma?

A That's correct.

Q If a student did not pass the minimum competency test, the student would be denied a diploma?

A That's right.

Q If a student did not pass a course requirement, the student would be denied a diploma?

A That's correct.

Q Will you please describe the Hacienda La Puente School District's minimum competency testing program, how you did it in your district?

A I must say that our system is really colored by the fact that early on we decided to use the legal requirement to drive the system for increased student achievement. There were those of us in the district who believed that many of our students were not achieving as well as they were able to achieve, and we knew that we could design a curriculum for them to achieve.

Q What kind of a district is yours, Mr. Schilling?

A We are one of the 25 large school districts in California. There are about 27,000 kids, down from about 32,000 several years ago, and we are one of the low rent school districts in California. We have 58 percent minority.

Q What percent?

A Fifty-eight percent minority. Eight percent of our students are limited or non-English speakers. That means that they do not speak English well enough to have instruction with the fluent English speakers. About 8 percent of our kids are in some sort of special education program.

We have housing in our district that sells in the area close to a million dollars, and we have other houses in

the 50 to 60 thousand dollars, and the cost of housing is representative of social economics of the district. So we are extremely heterogeneous.

Q So your belief in the district was that this could represent a positive force?

A Absolutely.

Q Tell us a little bit more about how that program is set up in your district.

A Okay. Our program really has three components. We have a testing component, an instructional component and a management component, informational management system. The testing component is directed by the director of tests and evaluation, who reports directly to the superintendent. I manage the instructional component.

As we initiated the whole minimum competency program, we utilized input from business, students, parents, community, all segments of the community to determine the competencies that would be tested under the broad general program of reading comprehension, writing and computation as mandated by the state law.

Early on we recognized the critical nature of the tests that would be given, and we recognized we did not have the expertise in the district to develop these tests. So we contracted with a test designer whose method of operation was such that the district was in absolute control all the

time of the content of the test.

Every member of our staff had an opportunity to review the test specifications. Every member of the staff reviewed the test questions. The district was controlled all the time in terms of the content of the test. The items were field tested, rechecked for reliability and validity. They were tested for sex bias, ethnic and racial bias, and we think we have a pretty good test.

The instructional component, we took perhaps a different bent than some people. We thought that the minimum competencies form the base of a broader instructional program. We want to be very careful that minimums are not maximums and that minimums are a base but upon which you can build a much broader instructional program.

So we redesigned the courses in our district in language, mathematics, reading and writing to ensure that the competencies were embedded in the courses themselves. So the competency skills required to do well in the competency test are embedded in the courses themselves.

In addition to that we designed a series of packets. The students who need only maybe two or three points to pass the test can study for themselves. We did a lot of work also in curriculum for the limited and non-English speaker, recognizing that the syntactical

differences in language require a different type of instructional program.

In addition that we designed two special courses for those few students who for some reason or other may not be able to meet the minimum competencies embedded in the questions. In the four years we have been operating, we have done a lot of program monitoring, in-service training of teachers to ensure that the courses are taught as designed. And even after four years, we have to continue to do this.

The management system that we have designed really drives the whole program, in that after every testing we analyzed how we used the test results to analyze the instructional program, to make program modifications on a district level, on the school level. So that we are constantly cognizant. We are looking at how our program relates to the instructional program and how well our kids are doing, and we make program modifications for this.

In addition to that, each of the schools in the district receive an update on how the students are doing, and in addition to that we have a student profile of every student that shows how that student is doing on the test. And we use that as we hold conferences with the parents and to assist the student in looking at the areas in which he needs to improve in order to pass the competency tests.

Q If I understand you correctly, in California districts are free to develop their own tests or choose their own tests. You apparently chose to develop your test. Test construction is a very costly business. How could your district, a low wealth district as you describe it, how could your district afford to develop its own tests?

A Well, we formed a consortium of nine local districts. And a feasibility study showed that the competencies were sufficiently similar in the nine districts, which, incidently, are sort of contiguous, that we were able to have tests developed for a number of competencies and the various school districts could buy into the competencies which related to their school district.

Q Tell me, how did you go about setting standards for student mastery in Hacienda La Puente? As I understand it, you had the tests but then you still had to decide how well a student had to do. How did you do that in your district?

A Well, number one, we examined how our students performed on the field test of the test items, recognizing that the students had no remediation at that time. Then we looked at the test items and we cogitated as to what would be minimum standards: how many items should one be able to pass to be minimum? Then we looked at what we thought would be minimal and looked at what our students were doing and

asked ourselves could we put develop a curricum to the level we selected, which was the 80 percent level.

Our data shows that the level was picked fairly decently because the first time that the test was given, the first administration that the test was given, 72 percent of our students passed the reading, 39 percent passed the writing, and 43 percent passed the mathematics.

The testing in March, 1981, which is the same group of students, 98 percent passed reading and 96 percent passed writing, and 97 percent passed the mathematics, and we had an additional testing after the March date and I am happy to report that out of 1600 students, we only had two students in the district denied a diploma because of not passing the competency tests.

Q Let me stop you for a moment. Only two students out of 1600 didn't pass?

A That's right.

Q Could we see the prior display, the one about the pre-test performance? Let me go over these figures again. You say the first time the Class of '81 tests were administered, 72 percent passed reading, 59 percent passed writing, and only 43 percent passed math?

A That's correct. These were ninth graders.

Q Would these fairly low passing rates suggest to you that the test was not a stamp?

A I would hope so. We believe that if everybody can pass the test as a ninth grader, then it may not be testing sufficiently what kids should be learning graduating as seniors.

Q Given those low pass rates, can we see then the next chart, which suggests that these then in March of '81, of the pass rates, they are 98 percent in reading, 96 percent in writing and 97 percent in mathematics: an astonishing advance.

Could you indicate if your performance in Hacienda La Puente in any way is corroborated by scores on statewide tests? Is there any indication that you folks are doing especially well there?

A That is probably the most pleasing data to me because, you see, the program was meant not only to have kids achieve minimums but to have kids achieve in a broader spectrum of skills as well. In California we have what we call the California Assessment Program, which is a testing program required by the state. It is a program that tests reading, written expression, spelling and mathematics, and they tested grades 3, 6 and 12. It is a general type of achievement test.

Unfortunately, Hacienda La Puente has not been doing so well on the 12th grade, and four years ago when we started our program in instructional improvement in the

district, we said to ourselves at that time that when these ninth graders become seniors, we should see mammoth improvement in the CAP scores, and we even told our governing board that we would see mammoth improvement in the CAP scores.

I am happy to report that this year's seniors scored ten times better, this year's seniors made ten times greater gain than the median district in California in reading and written expression, and five times greater gain in spelling and mathematics.

Q Would you characterize five times greater gain in spelling and math and ten times greater gain in reading and written as mammoth gains?

A Well, I hope so. I hope that there is something more than by chance.

Q I am particularly interested in the fact that your district established an 80 percent standard. How did that 80 percent standard compare to other districts in that test development consortium? Was it about the same? The tests apparently were similar.

A The districts in the consortium, the passing level varies from 60 to 80 percent, and we jive each other on the low passing level. Interestingly enough, a neighboring district has 60 percent and we have 80 percent. Students do not move from our district to go to the lower passing level,

you know, as some people would think might happen.

Another interesting thing is that we do not have any more kids fail than the other districts. And another very interesting thing, I did a little study of the number of seniors that leave school during the senior year thinking that the high passing rate would drive students from school but in three years the number of seniors leaving has gone down, not gone up.

Q Then you set a higher passing standard than all of the other districts?

A That's correct.

Q And why did you set such a high passing standard?

A Because we believe we can help students learn and we can design a curriculum to do that.

Q What kind of attitudes do students have in your district towards the minimum competency testing program?

A I talk to a number of students and teachers and administrators. Students work hard in our district, and those who have difficulties on the test are very happy when they pass because they recognize that they have some skills that they may not have had had they not worked hard. I think that we are beginning to turn around the idea of diligence to academics and recognize that it is important to be able to read and to write and to perform these kinds of things that are so necessary.

An additional thing. I honestly believe that so much is talked about today about self-esteem and these kinds of things. Well, we believe that the closest way, the best way for a student to get self-esteem is to be able to function well in the society, and I cannot imagine anything more dreadful than to not be able to read or not be able to write well. I think that the best thing we can do for kids in self-esteem is to move them ahead academically.

Q What kind of effect would you say your program is having on minority youngsters in your district?

A Because we are 58 percent minority, we are very concerned about this. The director of testing and evaluation has done an interesting study on how the minorities score and has found that initially there is a difference but the difference lessens and is non-existent as the students move through the system. But more interestingly, in the last testing period, which was for the 9th and 10th graders in about March of this year, an analysis of this data shows that even the initial difference is lessening.

Q How do you cope with the limited and non-English speakers in your district? You mentioned a fairly substantial percent. Do you believe that those youngsters should be obliged to pass your minimum competency test in English?

A Teach them English, that's what we do. The real issue seems to me to be the district's commitment to doing something for these children and knowing how to do it. Let me give you an interesting example. We are getting many Asians into our district. It is the largest growing minority group.

And one of the problems that Asians have with writing is that they construct a paragraph differently than we construct a paragraph. So if you expect those students to write a paragraph with a topic sentence and a closing and this sort of thing, they are not going to do it because they don't think that way. So you have to teach them, you see, you have to teach them.

In addition to that you must help these students overcome the syntactical differences in their language to be able to write.

Q Mr. Schilling, approximately how long have you worked in the field of education?

A In July I start my 36th year.

Q As a seasoned veteran in the area of education --

MS. PULLIN: I have to object.

BY DR. POPHAM: (Resuming)

Q As a person having talked --

HEARING OFFICER JORDAN: Suspend while the objection is being stated.

Why do you object?

MS. PULLIN: I think it is up to the audience to make a determination about whether they consider the witness to be a seasoned veteran or not, rather than for Mr. Popham to make that decision himself.

HEARING OFFICER JORDAN: I think the witness responded that he had been in education for 36 years, and I would assume that Mr. Popham thought that that qualified him as a person of some seasoning. I don't know how strongly you feel about that, but if you have been in education for 36 years and someone calls you a seasoned veteran, I am going to allow that.

DR. POPHAM: Thank you very much.

BY DR. POPHAM: (Resuming)

Q As a seasoned veteran in the area of education, and for my concluding comment, would you please describe the overall impact of minimum competency testing on the Hacienda La Puente School District?

A Well, I think that we are beginning to turn our system around. Let me give you an example. In the Superintendent's Cabinet in which I participate, when the minimum competency testing law was passed five years ago and we were talking about how we were going to address this, some of my compadres said it's a crazy thing. They're going to get rid of it. Hell, they will never deny anybody a

diploma. It's going to go away, and all of these kinds of things. I said: Listen, you guys. You know, we can move the system ahead if we want to do it.

Then we started working with teachers, and they said: We're going to have a hard time. You're going to deny diplomas to kids. The cohorts in the Superintendent's Cabinet extol the system today, and I remind them every now and then what they said five years ago. The teachers -- there is a fellow who is a math teacher in one of our high schools, and he said: Bob, you're never going to do it. And after the end of the one testing period, I said: How are the kids doing? And he said: You made a believer out of me. That is good enough for me.

DR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY MS. PULLIN:

Q Mr. Schilling, can you get a diploma in your district without passing the minimum competency test?

A You cannot.

Q All right. And you indicated to us that you had a number of problems in your school district which preceded the implementation of minimum competency tests.

A I did not mean to indicate that if I did. What type of problem do you refer to?

Q You indicated that you felt that there was a need for a change in the education in your school district, that you welcomed a change.

A Absolutely. As a matter of fact, I think that can be said of any school district in the nation.

Q Fine.

You also indicated that you had initiated a number of changes in the district. You listed, I believe, a new management system, increased teacher training, improved curriculum for non-English speakers, new kinds of instructional packets for students, and the fact that you had redesigned your courses so that you were certain that those courses included the minimum competencies. Is that correct?

A That's correct.

Q And you did all of those things at the same time that you added the diploma sanction in your district; is that correct?

A That is correct, but they go together, my dear.

Q I understand that. That was an entire program of changes that you made.

A That's correct.

Q Do you have any way of knowing the extent to which the diploma sanction itself alone played a significant role in increasing achievement in your district?

A The only thing I know is that when one has a distinguishable goal to achieve, it is easier to achieve it than when it is more nebulous.

Q All right.

Does the teaching staff in your district, as a result of the substantial changes that you have initiated, also now have a new goal for education in your district?

A I would certainly hope so. As a matter of fact, in the four years that we have been working on this we haven't had one complaint from a teacher, from a parent, from a student, from a community member, and when you can get a district as large as us and not have one comment on an issue as large as this in five years, that is good enough for me.

Q I'm not sure it's good enough for me.

A That's why we're here.

Q That's right.

Is it possible that the parents and students and teachers in your district, are real satisfied with the way things are working now, for any number of reasons?

A They are not going to be able to make it possible because we are always going to move ahead in the system.

Q You indicated that you feel that the number of dropouts in your senior class has decreased.

A Yes.

Q Can you say that that decrease is as a result of the test for diploma sanction?

A I cannot say that.

Q All right, thank you.

One last question.

A You were a little fast on that last one.

(Laughter.)

Q You were a little fast on the answers.

A Don't I get to rebut that some way or another?

Q You will have to let Mr. Popham try to redeem yourself.

You have been using this testing program for several years.

A Four years.

Q Do you use precisely the same test each year?

A No, but there is a very interesting question.

Q The test is changed from year to year?

A The test -- we have a bank of test questions that have been analyzed by the Rosh analysis and you talk to the testing experts. We have five versions of the test, and we are convinced that they are as equitable as possible. As a matter of fact, we have given all versions of the test and we can see no difference in the performance of the kids.

MS. PULLIN: Thank you, Mr. Schilling.

HEARING OFFICER JORDAN: Thank you very much.

Our next witness is Mr. Anthony Trujillo, a team member.

TESTIMONY OF ANTHONY TRUJILLO

SUPERINTENDENT, MT. TAMALPAIS UNION HIGH SCHOOL DISTRICT

LARKSPUR, CALIFORNIA

PRO TEAM MEMBER

DIRECT EXAMINATION

BY DR. POPHAM.

Q Mr. Trujillo, although you are a member of the pro team, at this point you are departing from that role to describe your professional activity in California.

What is your current position and what sorts of previous experience have you had as an educator?

A I am Superintendent of the the Tamalpais Union High School District in Marin County, California. I have been in education in the last 25 years as a secondary teacher and administrator, and I have also taught at the university level.

Q What kind of school district is the Tamalpais School District in which you are superintendent?

A Tam District is a high school district that serves eleven feeder elementary districts. It draws from a high socioeconomic level. Marin County is considered to have the highest per capita income in the state of California. It is a high wealth district, in addition.

Q Briefly, how has your school district implemented California's local determination of the minimum competency testing law?

A In 1977 when the district proceeded to implement what is called in California the Hart Act, the first thing we did was to organize groups of teachers, parents and students -- and we function at a high school level -- to begin to identify and develop minimum competencies. Then from that we began to research the kinds of testing instruments that might be able to give us some assessement of these competencies.

We developed -- in reading we chose to use a standardized test. In mathematics, the people decided to develop their own test. We have quite a few very top teachers in our district. And then in writing we chose to use a writing sample. So we developed the assessment instruments, and we tested all incoming eighth graders in 1978 in order to try to verify, as Mr. Schilling indicated, or field tests if you will, what the level of competency should be and whether the items we were purporting to use for assessment were valid.

Then the following year the board of trustees set the process for testing and the score levels. Then we went ahead and tested the students, and those who did not pass the test were given remediation.

Q Is it fair to say that the passage of the minimum competency test in your district is not the sole or primary criterion by which a student receives a diploma?

A No, it is not. Mr. Schilling testifed that there are course requirements. The teacher himself or herself has an awful lot to do with whether students graduate or not because there is a constant assessment going on in the classrooms every day. There are specific subject areas mandated by the state of California to be achieved prior to graduation. So it is only one of several.

Q So the passage of the test is one criterion of several in your district.

What, in your estimation, has been the effect of the district's minimum competency testing program on students, both with respect to their mastery of skills as well as their attitudes?

A Certainly in the mastery of skills, since our district is a high socioeconomic district, our youngsters genrally achieve very well. The major thing, I think, is in a district like this there is apt to be a great deal of attention and self-satisfaction with the achievement of high achieving youngsters, and you tend to neglect sometimes, generally not deliberately, those youngsters.

In 1979 we tested all of our youngsters: 264 sophomores failed the math exam, 151 failed the reading

test, and 178 failed the writing test, which surprised us, actually, for this kind of a high achieving district. This year, which was the first year wherein the sanctions were to occur, five of those students did not graduate as a result of not passing one or more of those examinations.

There were more students who did not graduate because they failed to fulfill the grade or course requirements. Incidentally --

Q Please repeat that. That seems important. You are saying that more students failed to graduate as a consequence not of failing to pass the minimum competency test but of other deficiencies?

A Other deficiencies, although there is generally a high correlation betwen youngsters who cannot complete the course requirements or do not get the proper grades in those and the examination itself.

Q Have there been any effects on teaching and curriculum in your district?

A I think so. I think the teachers, although I have to say they have always been very egalitarian in their outlook, I think that the major thing is that in our curriculum we began to spend an awful lot of time on this level of youngster, the youngster who was not achieving, and we spent a lot of time on that.

The fact that we are fed by eleven feeder

elementary districts, for the first time we began to talk to them and to make sure that our curriculum was cohesive and had a structure to it so that youngsters, you know, had some system of education. This is very important in school districts in California because we are quite fragmented in that regard.

The fact that teachers were involved in the competencies, and in two cases constructing the test items and dealing with the level of achievement that was to be passing, I think began to take away traditional excuses of centralized imposition, technology or other aspects of the test being scapegoats. And I think teachers became much more responsible for, so to speak, the students' destiny and their own destiny because they were in charge of the process, from what they taught to how that which they taught was going to be tested.

Q How have members of your community responded to the minimum competency testing program in the district?

A Generally it has been favorable, but I would have to say that the community is still not satisfied in that they see the competencies as being minimum, and I think there is a big push that we also set some optimal standards of achievement, which I think we are about to do.

Q Would it be fair to say that you are a relatively prominent member of the Hispanic community in California?

A I would say I am a member of the Hispanic community. I don't know how prominent.

Q Would you comment on the allegation that minimum competency testing programs of necessity will disadvantage Hispanic youngsters?

A I cannot fathom that concept because, as we have heard testimony, if you have a counterfeit piece of paper called a diploma, at least counterfeit in the eyes of the public or employers or other receiving agencies, and you give this counterfeit piece of paper to a youngster under the pretense that it may be real, that doesn't do anything for them.

The real issue is not the piece of paper but the skills that that youngster carriers with him, particularly the Hispanic youngster. If they are going to compete with other groups, they are going to do it on the basis of skill levels and knowledge and not on whether they have a piece of paper that today is suspect.

So the skills are the important thing, not the piece of paper.

Q As far as demonstrating those skills, how do you personally view the wisdom of having students whose primary language is Spanish pass the minimum competency test in the English language?

A Categorically, I would say that they should pass

the exam in English. Maybe I can use an analogy. I think you used this yourself. You give a driving test, an automobile driving test to people who drive cars, and you give a pilot's test to people who fly planes, and it seems to me that we are asking the youngsters to function in American society in which society English is the language that is primarily used to conduct business, affairs of government, et cetera, et cetera.

These youngsters, then, must be literate in that language. So you are not going to give them a test to drive a car if they are going to fly a plane.

Q Overall, then, what is your appraisal of California's local implementation of minimum competency testing law?

A I will have to say that when it first came out, a lot of us in education were perhaps concerned primarily because it was, again, a central imposition, and I think living in a democratic society, we are very prone to be local minded and independent. I think now, however, I have changed my mind completely, and I think many of the people who were opponents of the program, as has been testified many times, now believe, first of all, that it was the quickest way. I have never seen anything injected into the system that brought about as quick a result as the minimum competency testing.

The curriculum changes that occurred -- the structural changes that occured as a result of this impetus -- were the quickest I have ever seen. Generally what happens in education is that it takes us almost a generation of students to make change. By the time we have changed the curriculum or the structure of the school or whatever needs changing to accommodate the student, we find that that generation of student has gone by and we are now dealing with a new generation of students. And there is a tremendous amount of frustration that we always have the wrong solution for the wrong problem.

And I think the minimum competency test injected into the system brought forth a very quick response, and I think that was the important thing.

DR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Cross examine?.

CROSS EXAMINATION

BY MS. MONTOYA:

Q You said that the test is not a sole criteria for getting a diploma. Can a youngster get a diploma if they do not pass the minimum competency test examination?

A Yes, they can actually. And I think maybe I ought to explain this. The California law provides for alternatives, alternative ways of assessment. If you have a youngster that failed the examination, the paper and pencil

examination, you have latitude under the California law to assess that youngster in a different way.

So I would have to say, yes, if it is the test that is structured, that is given to most youngsters, you can do individualized types of assessments. As a matter of fact, you are obliged to provide alternative ways of obtaining the diploma for some youngsters.

Q Those alternatives take the place of the minimum competency test then?

A I would rather use the term "minimum competency assessment." The test itself is only one assessment instrument. It is the most prevalent assessment instrument used, but there can be other assessments. I can sit down, the teachers can sit down, and ask the kid to read.

Q I understand. You have alluded to a number of improvements in terms of the curriculum and so forth in your school district. Could you have done all that you have done and get the same kinds of results without the implementation of the diploma regulation, the requirement?

A Sure. Somebody could have declared me king with absolute power and I could have mandated it and had the subjects follow orders. I could have done a whole series of things. Minimum competency testing, this instrument is merely a means to an end. It happened to be the means that is prevalent at that time. It is a good means, I think. It

is not destructive.

Q Thank you. You said that at the time of the implementation of the examination that was the first time that your high school people and your elementary people coordinated a curriculum. Was the test the first time that they had communicated for that result?

A I am not sure I understand the question, but I will try to answer what I understand. Yes, I think the test was the impetus. It was important to the elementary districts that they begin to communicate with the high school people, because we were going to be at the tail end of this thing and the consequences were going to be at our level. And it was going to be a reflection, and we made sure that there was some reflection on those elementary schools, because we said we cannot correct deficiencies in one or two years that had been going on for twelve years.

Q Thank you. Do you think that you have made a number of comments about limited-English-speaking children? Should limited-English-speaking children be given a test in English if they have not had an opportunity or a fair chance to learn English proficiency?

A Well, obviously, the way you structured the question, I am afraid to even answer it, because you are going to say -- once I answer it, you are going to say "Thank you."

That is not the issue, as I see it. The issue is that those youngsters should be given the opportunity. If they are not given the opportunity, something is wrong with the system. And yes. Then, no, you should not test them on something they have not been given an opportunity to do but --

Q Thank you.

(Laughter.)

Prior to the legislatively mandated minimum competency program in your district, would you characterize the students as being very high achievers?

A Yes. Although I didn't think about it until Mr. Schilling just spoke. In 1976, which is the first year I came to that district, our test scores statewide were in the 92nd percentile. Last year they were in the 98th. So I don't know, until I heard that testimony -- I am not sure. I always thought it was my presence there, but maybe there is something else that did move those test scores from a high level to a very, very high level.

Q Thank you. Are you aware, Mr. Trujillo, from conversations with your colleagues or from reading the papers and so on that a large percentage of Hispanic youngsters have failed the minimum competency test in other districts this year and, as a result, will not receive their diplomas?

A Yes, I am aware of that.

Q Mr. Trujillo, we have a copy of a memorandum from your office furnished to us by Mr. Popham, dated June 4, 1981, which you have alluded to before. Is it not true that that memorandum reflects a total decline in population of 201 students over a two-year period? And what is the portion of the students that are dropouts?

A The decline is a decline because of the lower birth rate, the high housing prices in Marin County. It has nothing to do with dropouts. Our dropout rate is very, very minimal. So that is an enrollment decline for other reasons.

MS. MONTOYA: Thank you very much.

HEARING OFFICER JORDAN: Thank you very much.

Our next witness, Ms. Hilda Mireles, teacher, Harlingen Public School District, Santa Rosa, Texas.

TESTIMONY OF HILDA MIRELES,

TEACHER, HARLINGEN PUBLIC SCHOOL DISTRICT

SANTA ROSA, TEXAS

DIRECT EXAMINATION

BY MR. POPHAM:

Q Ms. Mireles, in what city do you live, and what is your professional position?

A I live in Santa Rosa, Texas, but I teach in Harlingen School District. I teach in elementary schools, the sixth year.

Q What is Harlingen's district like?

A Harlingen School District, 95 percent of its student population is Mexican American. It has a low socioeconomic level, and it is basically a Mexican-American community.

Q Thank you. Would you please describe in brief the statewide minimum competency testing program in Texas; that is, the Texas assessment of basic skills? What is that like?

A Okay. The Texas assessment of basic skills program, acronym TABS, is a program for basic skills improvement, which includes an annual assessment of student achievement in reading, writing, and mathematics. It is designed to provide information which can be used in planning instruction for students in these three curriculum areas.

The TABS test was developed especially for Texas schools and were reviewed, revised, and renewed by Texas educators. State compensatory education funds have been allocated to provide compensatory instructional services.

Q So there is this statewide minimum competency testing program in Texas. Is it true that you also have a local program in Harlingen?

A In my school district, Harlingen, we have a minimum competency test in the area of math. We are now working in the area of language. How long has that minimum

competency testing program in mathematics been in existence?

A Four years.

Q For a fair amount of time. Have you seen any evidence that students are being benefited by the program in Harlingen?

A Yes. In our district the students are tested in sixth grade. And the state test, they are tested third, fifth, and ninth grades. And I think we have a graph that depicts the growth.

Q So if I understand this graph, in the fifth grade -- and this is on the TABS test, the statewide test -- students in the Harlingen district are outperforming Region 1. Is that the region in which you are located?

A Yes.

Q Are outperforming Region 1 by about eleven points and four points behind the entire state on the TABS test. Is that right?

A That's right.

Q Then what happens later on?

A Okay. They are again tested on the statewide level in ninth grade. And again, as you can see, the results.

Q So in the ninth grade, four years later, they outdistance the Region 1 youngsters by 23 points and now pass the total state by 14 points. Would you conclude that

the Harlingen minimum competency testing program in mathematics was, in part, instrumental in that rapid growth?

A Definitely, it has played a vital part.

Q How have the students responded to the program in Harlingen with respect to their attitudes?

A Okay. As a teacher, student attitude has a lot to do with their success. I feel that student success, student's experience with success, has elevated their self-esteem because they have been able to achieve and achieve well on these tests. They go on and progress into even higher skills.

Q So they are feeling better about themselves, particularly in mathematics?

A Yes.

Q What about teacher attitudes, teacher response in general to the minimum competency testing program? How about math teachers in Harlingen? How have they been affected by the program?

A I believe that we have been given direction, clear-cut directions as to where our responsibilities lie with the child. And I think that the attitude is positive, very positive.

Q Has the emphasis on the skills in the minimum competency test mathematics program driven out other skills in the mathematics curriculum in Harlingen?

A On the contrary, I feel that we lay a basis, a strong foundation of basic skills which then allows us to go on and teach enriching higher skills.

Q What about citizens' response to the program in Harlingen, how have citizens in your community responded to this program?

A We have in our particular district, we have two parent-teacher conferences a year, and we have found that being able to sit down and talk to the parent and explain what the child is doing, what we expect of the child, in a very simplistic manner has been very positive. They have been able to understand better something like this test rather than something of a national test, CPS or something like that.

Q You described your district as predominantly Mexican American. It is sometimes said that minimum competency testing programs disadvantage minority youngsters. How do you feel about that?

A I feel exactly the opposite. As a Mexican American and as a Mexican American teacher within a Mexican American community, I feel that we need to have a strong foundation, a strong direction for our children that are going to go out there and compete in American society. And we need to give our children a very strong basis of minimum skills which gives them a positive attitude which enables

them to go on and function in higher skills.

Q What is your feeling about the issue of whether or not stuients whose primary language is Spanish, for example, should be allowed to take the test in Spanish? Should we require that they pass these tests in English?

A Yes, because, as I said before, we function in an American society with the predominant language being English. That is our purpose: to teach English and the skills in English.

Q Ms. Mireles, as a final question, in looking at the overall impact of the Harlingen minimum competency testing program in mathematics, what do you think of it?

A I think it is a very good program. Its function is effective. We have been given a clear-cut direction, and we are doing a good job, I think. Our students are benefitting. Our community, in the long run, will benefit from this type of a program.

MR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Cross examine.

CROSS EXAMINATION

BY MS. MONTOYA:

Q Hi. Ms. Mireles, I think we need to clarify something. Is the math program that you have been describing different from the minimum competency test in your district? They are not the same thing -- are they?

A We have a minimum competency program in math in my district.

Q At the higher levels? All levels?

A Beginning in the sixth year.

Q And the program you have been describing is that test?

A Yes.

Q It is. Okay. If a student does not pass that test, can the student receive a diploma in your school district, the minimum competency test?

A Right now, yes, they can.

Q They can?

A They can right now.

Q When will that change?

A In two years we will test it.

Q You will begin withholding diplomas if they do not pass?

A Yes.

Q Okay. You have alluded to a number of improvements in curriculum and so on. Do you feel like you could have made those kinds of strides had it not been for the minimum competency test requirement in California?

A I teach children. I think our teachers are good teachers, and I think that this has just given us a clearer path as to our responsibilities.

MS. MONTOYA: Thank you.

HEARING OFFICER JORDAN: Any further questions?

Thank you very much, Ms. Mireles.

Our next witness, Ms. Sharon Schneider, teacher, Richwoods High School, Peoria, Illinois.

TESTIMONY OF SHARON SCHNEIDER,

TEACHER, RICHWOODS HIGH SCHOOL

PEORIA, ILLINOIS

DIRECT EXAMINATION

BY MR. POPHAM:

Q Ms. Schneider, what is your current position and how long have you held that position?

A I am an English teacher at Richwoods High School in Peoria, and I have held that position for 14 years.

Q 14 years. Tell us about Richwoods High School. What kind of a high school is it?

A Richwoods is a high school with approximately 1700 students, 15 percent minority. It serves every area of the community because we have a busing program. So it is difficult to say anything about socioeconomic level.

Q Do you have a minimum competency testing program in Peoria?

A Yes, we do.

Q Could you describe that program for us briefly?

A Okay. In 1976, I believe it was, it was decided

that some sort of program had to be put into effect to assure the people of Peoria that we were in fact doing something in the schools, because they were becoming very disgruntled. There were approximately 1200 people involved in the initial rating of skills and so and so forth that they felt were important.

In '77 a test was developed by staff members -- I believe it was '77 -- and it was implemented in 1978 as a pilot program. The numbers were very alarming the first time the test was taken.

Q Student performance?

A Right. Extremely low.

Q Was this minimum competency testing program in Peoria instituted because of a statewide law?

A No. This was the initiative of Peoria.

Q Was it the board, the superintendent? Do you have any recollection of that?

A I think that there was perhaps some community pressure.

Q Community pressure because of some doubts regarding the caliber of performance?

A Right.

Q What was the nature of remedial assistance offered to students in Peoria to improve their skills if they do not do well?

A All right. After the student takes the test for the first time in the eleventh grade, he is given the opportunity -- it is an optional thing to him -- to take the refresher courses that are offered. He may choose not to take those courses; that is entirely up to him. He then, during the senior year, if he still has not succeeded in passing any one of the three tests, he is required then to go into a refresher program in the particular area where he has shown weakness.

Q What kind of refresher program is that? What happens in the courses?

A Well, I teach them.

Q So you ought to know.

A I really should. In language arts there are 25 basic skills that are involved. In the courses themselves there are packets that are made out for each of the 25 skills in the test. This does not indicate that we are teaching to the test, because we are not. I am teaching far beyond what the test is expecting them to do. They are given one semester to go through the areas where they are extremely weak, and they may take the test again. And in 98 percent of the cases, they pass it finally.

Q So you would say that that remedial assistance they get is fairly effective?

A Right.

Q As an experienced instructor, what is your reaction to the overall impact that the minimum competency testing program is having in Peoria?

A I think it is guaranteeing prospective employers and parents, community members in general, that the students do have certain basic skills, that they are capable of reading, that they are capable of understanding certain math skills, that they are capable of handling sentence structure and so on and so forth.

And in giving them a diploma, we are at least saying, "Hey, this kid knows something. It may not be much, but he knows something."

Q Do you have any reason to believe that the students are benefitting in Peoria?

A I certainly do. I have seen too many kids who have come from nothing, the first time they take the test score 24 percent, and be really disgruntled and ready to quit school, but are talked into staying in school and giving it another shot. And I had one student who went from 24 percent, and after one semester of remediation scored 84 percent.

Q What about passing percentages in the Peoria program, are those getting better, getting worse? What is happening with respect to students as they go through the program?

A Well, the first administration with the class of 1980, which took place during the first semester of those students' junior year -- I think there is a graphic there -- 91 percent passed the reading, 72 percent passed language arts, and 66 percent passed math.

Then the fifth administration, taking those students who had failed, taking them through the remediation, 98 percent passed reading, 95 passed language arts, and 94 passed math.

Q So those are very substantial gains, particularly in mathematics and language arts.

A Yes.

Q What about students' attitudes with respect to the minimum competency testing program, how are they responding?

A The attitudes that I have seen, that I have witnessed in the two years I worked with the program, have been excellent. The students are gaining confidence. They realize -- when they come into the course they realize that all of them are in there together and they are all in there for the same reason. They know they have all failed it, many of them four times. They are kind of discouraged by it. And I think that once they achieve a certain level, you know, and they can see things happening that weren't happening before, basic things that they probably should have learned in second, third, and fourth grade, that just

went right over their heads and suddenly they are very clear to them and they feel much better about themselves, and I think that is a big part of their success.

Q You say you teach these courses.

A Yes.

Q You seem to enjoy it. Would that be a fair characterization?

A Yes, that would be.

Q Is this common amongst teachers, that they seek out the remedial courses?

A I don't think so. Everybody said I was crazy when I volunteered to teach them. But I felt like I was in a rut with what I was doing, and I wanted something new and I wanted a challenge. And I asked them to just give me one chance at it, and I was very successful with it. So they said, "You are not going to get out of it now. You are stuck." And I said, "That's fine."

Q What kind of effect is the program having on teachers other than yourself? Do you see any reactions from them?

A Yes, because they are very enthusiastic about the program. I think when it started, they viewed it with a great deal of fear and trepidation, you know, "Is this going to be an evaluation of my ability as a teacher? What happens if I don't teach a kid something that he should know

est.

Since they found out that that is not the case,
ery enthusiastic about it, and we have people
ng. We have practice tests that we give before
the test, and these practice tests are for kids
ever taken the test before.

And we have teachers volunteering to stay after
ve up their lunch hours and so on, to administer
so that all of it doesn't fall on me. And I am
ful for that.

One argument in opposition to the minimum
testing program is that minimums will become
that is, the less important skills focused on in
m competency testing program will be emphasized so
more important skills will be driven out. What is
ion in your school?

I don't think that's true at all, because our
is set up so that there is no time for any
und with any of the skills that are on the test.
h student a pamphlet describing the skills that
the test and the kinds of things that he will be
for knowing. And it is his responsibility then,
ak in any of those areas.

ow, we are talking about the initial time that
taken. If he is weak in any of those areas, it

is his responsibility to see an English teacher. Any English teacher will help him to go over those areas where he feels he is weak.

Q Is it true that the Peoria public schools have recently been under legal attack for their policy of requiring handicapped students to pass the same test, same standards as nonhandicapped students?

A Yes. And there are many other teachers and I who are not in accord with that particular policy.

Q So you are not endorsing the district's policy?

A Right. On June 29 a bill was placed on the governor's desk, of Illinois, and speculation is that he will sign that bill saying that no longer can the MCT be tied to a diploma for a special education student, that the test would have to be designed for his particular IEP.

Q Overall then, and in conclusion, what is your estimate of the minimum competency testing program in Peoria?

A I think it is an excellent program. I am sold on it. I think they should have one everywhere.

MR. POPHAM: Thank you.

HEARING OFFICER JORDAN: Cross.

CROSS EXAMINATION

BY MS. PULLIN:

Q I will not spend much time on this because we have some witnesses of our own who will talk about your program.

Am I correct that you stated that the test allowed you to identify, by knowing who passed the test, which students were "capable"?

A I don't understand what you mean by that.

Q Did you say that the test designates students as being "capable" when they pass the test?

A No, I don't recall saying that.

Q Do you feel that the test sorts capable from incapable students?

A Not necessarily, no.

MS. PULLIN: I have no more questions.

HEARING OFFICER JORDAN: Thank you very much.

Our next witness, Dr. Robert Ebel, professor, College of Education, Michigan State University, East Lansing, Michigan.

TESTIMONY OF ROBERT EBEL,
PROFESSOR, COLLEGE OF EDUCATION
MICHIGAN STATE UNIVERSITY
EAST LANSING, MICHIGAN

DIRECT EXAMINATION

BY MR. POPHAM:

Q What is your current position?

A I am professor of education and psychology at Michigan State University.

Q How long have you been a professor at Michigan

State?

A About 18 years.

Q Approximately how many books and articles have you written about educational testing?

A Four books, of which I was the sole author, one co-authored, and approximately 100 articles.

Q Is it true that you are a past president of the American Educational Research Association?

A Yes.

Q Modesty aside, would it not be accurate to assert that you are generally regarded as one of the nation's foremost experts in the field of educational testing?

A I would rather hear you say that than say it myself.

Q If I said it, there would be objection. But I think it is certainly the case.

Why are tests used in education, Professor Ebel?

A Well, a number of reasons are given, but when you analyze them, I think it all boils down to measuring various aspects of achievement in learning.

Q How accurate are tests? And on the basis of your response, would you comment on whether tests should be used to make decisions about individuals?

A Well, inevitably there are errors in educational measurements, as in all other measurements, and probably

somewhat larger in educational measurements than in physical measurement, for example.

But one way of answering that question is to say that it is possible, with a reasonably good test applied to a normal range of achievements in learning, to divide the group or to develop a scale that has 30 steps on it such that each one of those steps is -- well, we call it "one probable error of measurement." Which means that 50 percent, for 50 percent of the students the error of measurement is one score unit or less; for the other 50 percent it is greater than one score unit.

Q So do you believe then that it is legitimate to base important decisions about individuals on a single test?

A Yes, under certain circumstances. A student or a person applying for a license to operate an amateur radio station, for example, is granted or denied the license on the basis of a single test. And I believe that is the best way to handle that situation. There are many situations in which it is desirable to take account of other considerations. But in all of these, I personally would give great weight to the scores on a relevant and reliable test.

Q If a student failed to pass this test and was allowed numerous other opportunities to pass that test or an equivalent form of that test, would that not make the

accuracy of the assessment system greater?

A I believe that it does. It also, I think, has the beneficial educational consequence that each time the test is failed presumably there will be additional study, and the result is greater competence when the test is finally passed.

Q There has been considerable criticism by witnesses of the opposing team of multiple-choice tests. What is your view regarding the utility of multiple-choice tests?

A I think they are widely useful. I would rate them at the top in my scale of excellence, in terms of measuring instruments. The rationale for multiple-choice tests seems to me to be sound and persuasive.

Each one of us here, to a very considerable extent, owes our success or lack of it to choices that we have made. The making of choices is essential to living. And the essence of what we are trying to do in most of our courses of instruction is to give students useful knowledge, knowledge that they can use to plan courses of action, to make decisions, et cetera. These can be expressed in the form of questions or statements that ought to be judged. And experiments have shown that there is a very high degree of relationship between scores of a person's achievements or competence derived from multiple-choice tests and those derived from any other reliable method of assessment.

Q We heard a previous witness for the opposing side,

Mr. Ralph Nader, observe that under no circumstances could a multiple-choice test serve as a useful appraisal of a student's knowledge or skill. I take it that you would not agree with that observation?

A I certainly would not. I think that it is absurd.

Q Most of the tests used in minimum competency testing programs are paper-and-pencil measures. There are exceptions, but the majority are. What is the relevance of such tests to an individual's actual performance on the job or in other real-world situations?

A Well, a person's success on the job depends on many factors. But one important factor is how much the person knows about how to do the job. It will depend on the environment, the work environment, the motivation that the individual has to succeed in those circumstances, and just plain good luck in some instances.

So I would be far from claiming that it is all determined by how much is known. But the part that can be measured is very important; and that is, how well the person knows how to do the job.

Q Would you agree that on the basis of probabilities, students who will pass minimum competency tests of the paper-and-pencil variety will be more apt to succeed in later situations than those who fail such paper-and-pencil measures?

A I would.

Q Do you believe that through the use of tests such as we now see in minimum competency testing programs, that those students who fail will be indelibly and irreparably harmed?

A Only if they choose to accept it in that way. There are numerous testing programs for professions in which the failure rate is quite high. And the net effect is not to label a person who fails the CPA exam once as a failure, but simply to induce him to make better preparation to pass it.

Q We anticipate a fair amount of criticism regarding the setting of standards in minimum competency testing programs. Is it possible to set a defensible passing score for minimum competency tests?

A I think it is. There is no way of doing it mechanically, that I know of. We can go through mechanical motions that hide the basic judgments that are involved. But basically, it is a matter of judgment, and I see no way of avoiding that, nor do I think that we ought to avoid it, because in the highest court in the land decisions are made on the basis of informed judgments.

Q Am I correct in asserting that earlier in your career you devised one such standard-setting technique that now carries your name, Ebel Standard-Setting Procedure?

A That is correct.

Q There are other standards-setting measure that have been devised by other individuals. When these different standard-setting techniques are used, are you surprised that they yield different passing standards?

A No, I am not, because they are based on different assumptions and in various situations one may be more or less appropriate than another. I would like to see as much agreement as possible, but inherent in all of those are judgments based on the particular situation in which the procedure is being applied.

Q If I understand you correctly, you are suggesting that the schemes for determining passing scores are fundamentally judgmental and that different procedures for setting those standards do in fact involve different kinds of judgments. Therefore, different kinds of procedures might very well yield different kinds of results?

A That is correct.

Q How serious is the problem of bias in tests of minimum competency?

A If they are tests of achievement and if we interpret the results with the kind of caution that we ought to interpret them with, it seems to me the possibility of bias is nonexistent. If all we claim for a test score is that this indicates within reasonable error how well a

person can perform these kinds of tests under these circumstances, then whether it is applied to a Russian who speaks no English at all or to anyone else who indicates that, how well can the person do these kinds of tasks.

Now, you have to pay careful attention to what kinds of tasks those are, and the inferences you make about the score should always take account of what it is you have asked the student to demonstrate.

And where we get into difficulty, where bias comes in, it seems to me, is in making inferences from a test score that are really not relevant to the tasks on the test. We tend to generalize the results -- and this is particularly likely to be true with intelligence tests -- beyond what the tasks actually are telling us about the person.

Q But that, with respect to achievement tests, is somewhat less likely?

A It is less likely with an achievement test.

Q Recent efforts to eradicate bias in tests have been somewhat more prevalent than perhaps in past years. Are you encouraged by attempts to eliminate bias on the basis of race, sex, and other procedures of this sort?

A Well, I am bothered by them to some extent. If you start with the assumption that a test ought not to discriminate, let us say, between men and women, or that it

ought not to discriminate between people who had one kind of an educational background and those who have had another kind, and if you carry that to its logical extreme, you wind up giving everybody exactly the same score. And it seems to me then the utility of the test is gone.

I am glad that test producers are sensitive to the problems of bias and trying to do something about it. I would worry if they would make some a priori assumptions as to what the scores have to be in order for the test to be acceptable.

Q Do contemporary schools spend too much money on educational testing? And do they have too much faith in test results?

A I believe the opposite is true: that we ought to be doing much more on the individual teacher level, on the school level, on the state level, to assess how the learning is progressing.

It seems to me if you want quality in education, you have to recognize it and reward it. And tests are means of doing those things.

Q In sum, what is your view regarding the current status of educational testing as it relates to uses such as in minimum competency testing programs?

A I believe that is a useful educational tool.

Q And you think that the quality of testing is up to

the requirements of minimum competency programs?

A Yes. I would be in favor of improved quality. I think improvements are always possible. But I would not declare a moratorium or delay the application of tests on the grounds that they are inadequate.

The most serious inadequacies are in what we do with the scores, our interpretation and use of them. And those are in our control, and I think we ought to concentrate on making wise uses. And on the whole, I think, the uses that are made of tests are good enough so that they are doing far more good than they are harm.

MR. POPHAM: Thank you, Professor.

HEARING OFFICER JORDAN: Cross.

CROSS EXAMINATION

BY MR. LINN:

Q Professor, you indicated that you thought that the inferences on a test should be limited very carefully to the nature and the items that are on it. Is that correct?

A It should be guided by the nature of the items. It gets awfully complicated, I think.

Q You caution against overgeneralizing from the tests.

A Yes.

Q On an achievement test that is used for a minimum competency test, would you think the generalization that

someone does not have life-survival skills because they failed the test was a legitimate generalization?

A Well, I would have to see the test. And I am no fan of "life-survival skills" as a focus for testing achievements in learning. But given certain tests, I would be willing to say in terms of these specifications and this definition of what we mean by "life-survival skills," this individual fails to measure up to our standard.

Q So if a person failed a typical test as used in minimum competency testing programs now involving reading and mathematics, those types of items on a functional literacy test, so-called, you would be willing to make that sort of generalization?

A I would be willing to say that this person has not achieved satisfactorily.

Q But you would not be willing to say that he does not have the skills to survive in life, life-survival skills?

A I think that would be going further, and it would be very hard to validate, in any case.

Q You also said that if everyone received the same score on a test that it would not be useful.

A That is correct.

Q If everyone passed the minimum competency test, would that make it useless?

A No. I think we are talking about two different

contexts. We were talking previously about attempting to remove bias by deciding a priori that these scores have to be the same.

I would be quite happy with a minimum competency test that everyone passed. If no one ever failed it, I would see very little reason for using it if it does not distinguishing between success at some level and lack of success.

Q Thank you. You testified that paper-and-pencil tests can be used to predict on-the-job performance. Is that correct?

A They can provide information that is useful in predicting. I wouldn't leave the impression that that is all you need to look at or that you can get very exact predictions.

Q Was that information, that judgment, based on a review of validity studies involving minimum competency tests as they are currently used in any existing programs?

A It is based more generally than that. I see minimum competency tests as a subset of a much larger variety of similar tests. And I think the generalization that applies to the larger group can be applied without too much distortion to the minimum competency test.

Q So are you then saying that minimum competency tests are in fact very similar to norm-referenced tests that

we have had around for a good many years, in many cases?

A They have many characteristics in common.

Q Thank you. So would you say that much of the information that you get from a minimum competency test is already available in terms of the achievement testing that is currently going on in the form of norm-referenced tests?

A No, I wouldn't say that. It is not available in the same form or in the same context. I believe that some of the tests that have been around for a long time could be used effectively in the minimum competency testing programs. But I don't think the data already exists or, more importantly, is being used in that way.

Q Would you say that one of the important distinguishing characteristics between the two types of tests is the use of a rigid cutting score on minimum competency tests to decide who is going to pass or fail?

A Well, I don't like that word "rigid," particularly. But, yes, I would agree with that.

Q Professor, were you a member of the committee that developed the 1974 standards on educational and psychological measurement, published by the American Psychological Association?

A Yes, I was.

Q What organizations published that set of standards?

A The American Psychological Association was the

publisher.

Q And which other associations cooperated?

A The American Educational Research Association and the National Council on Measurement in Education.

Q Thank you. Would you say that those standards were very generally agreed-upon guidelines for professional practice?

A Well, agreement was hard won, and there were a lot of members of the committee who disagreed with specifics. We needed to get a document out and we went with a consensus.

Q Do you recall that one of the standards in that document dealt with the setting of cutting scores?

A I don't remember that precisely. But if I were to bet, I would bet that there is something in there on that.

Q You would believe me if I said I had just read it and found it?

A Yes, I would.

Q Would you imagine or accept the notion that that standard which called for the providing of a rationale or justification for setting any cutting score should be provided by any testers?

A I would agree with that, yes.

Q Would you think that the practice of setting a cutting score at 70 percent because that is the traditional level on an arbitrary basis meets that standard?

A Well, if 70 percent means 70 percent correct answers on a multiple-choice test, I would be very skeptical. If it is a derived score, as it is in many cases, and it was that in the -- well, not the Army general classification test, but the one that was used at the time of the Korean conflict --

Q The Armed Forces Test?

A Yes. The scores were derived so that 70 became, in terms of the test content, a rational passing score.

Q If I were to tell you that a state set the standard at 70 percent of the multiple-choice items passed, then you would think that was unreasonable?

A Not necessarily. If the test is built with that in mind and particularly if there is some opportunity to pretest the items, it would be quite possible, it seems to me, to select items to make that a reasonable passing score.

Q Would you conclude, if you had the same 70-percent passing standard on a reading test and a math test and in fact you had a much higher failure rate in the math test, that students needed more work in math necessarily, or would you conclude something else about the nature of the test items?

A There are a number of hypotheses to explain that, and I wouldn't want to jump at any of them without looking at a lot more of the data related to it. It is conceivable

that -- although it is very hard to prove -- that students are less good at learning math than they are learning reading, but I see no way of proving that.

MR. LINN: Thank you very much. I have no further questions.

HEARING OFFICER JORDAN: Further questions?

That concludes the witness list for this morning.

We are going to take a break for lunch and plan to reconvene at 1:50, ten minutes to 2:00. See you then.

(Whereupon, at 12:30 p.m., the hearing was recessed, to reconvene at 1:50 p.m., this same day.)

AFTERNOON SESSION

(2:00 p.m.)

HEARING OFFICER JORDAN: The hearing will come to order.

This afternoon we have the presentation of the case of the cons, or the con case.

Dr. Madaus, would you give us a presentation of what we can expect you to do today?

OPENING ARGUMENT BY DR. GEORGE MADAUS,
CON TEAM LEADER

DR. MADAUS: Actually, laboring under the name the "negative team" or the "con team" connotes a certain image, and the first thing we did yesterday, and I would like to do it again today, is to tell you that our team is not against testing. We think testing has a valuable place to play in education. We think the test scores can be used to make decisions about children if they are used with other information and teachers use that information, and administrators and so on, to make these decisions.

We are not against restoring meaning to the diploma. In fact, yesterday and again today and tomorrow, we are going to present alternatives to minimum competency testing to do just that.

We are against social promotion. We think there should be standards in school. We think that there are ways

of improving the skill levels of our children, but we think there are ways to do this without requiring a single test score be used to deny a diploma, keep a child back, or to put a child into some kind of a classification program. We believe that professional educators should make these decisions using multiple indicators.

Now, yesterday I said that our team had basically five contentions, and one of the most important of those contentions, I said yesterday, was the technical adequacy of the tests to be used by itself to deny a diploma, keep a child back, or put a child into some kind of a classification program.

We are going to spend a good deal of this afternoon illustrating those technical limitations for you. We are going to talk about issues like, "But does the test really measure what it purports to measure? Is it a good measure of life skills and adult competencies and survival skills? Is it even a good measure of what is taught in the high schools."

You will hear testimony about the issue of cut scores. How do we set pass scores? How many items does the kid have to get right? And what does it mean if you use a different method in terms of how the child is labeled? You will see that it makes quite a bit of difference, particularly if you are an individual child around that cut

score.

We will also talk about the impact of that inherent measurement error which Dr. Ebel this morning said exists in all tests, what the impact of that is for certain kinds of children in certain places in the distribution.

We will also show you and describe to you the implications of taking an item and translating it from English to a second language. We will show you that it does not necessarily convey the same meaning to a child whose first language is not English and that this has serious implications in some states for bilingual education.

We will start today and develop later tomorrow the impact that testing has on handicapped children. You will hear testimony today from Peoria about what has gone on in Peoria not only as it relates to the regular program in Peoria with nonhandicapped children in Peoria but as it relates to the handicapped and the disabled population in Peoria.

You will hear testimony from a teacher in North Carolina about the use of a test there in grade-to-grade, in promotion decisions at the elementary level, and the impact that that has had on teaching and the impact it has had on children.

Finally, today you will hear a good deal of discussion from two educators from Florida about the Florida

situation.

Now, again, as you listen to this testimony this afternoon, please keep in mind that because we are labeled "negative" or "con" team, we are again advocating restoring standards, but what we think has happened is that there has been a misperception about where we need to put our emphasis.

We are going to show you this afternoon that basic skills in the United States are not declining. You will see considerable evidence on that this afternoon. The problem is in higher-order skills, and minimum competency tests linked to a diploma or linked to promotion or linked to some very important individual decision can make that problem worse.

This afternoon I think is an important part of our case because it does talk directly to how tests should be used and what their limitations and what their strengths are. So, without further ado, we will start our case. Thank you.

HEARING OFFICER JORDAN: Thank you, Dr. Madaus.

The first witness is Dr. Mary Berry.

Dr. Berry, would you come forward to the witness chair, please.

Dr. Berry is commissioner and vice chairman of the U.S. Commission on Civil Rights of this city.

-- THE CON TEAM PRESENTS ITS CASE --

TESTIMONY OF DR. MARY BERRY,
COMMISSIONER AND VICE CHAIRMAN
UNITED STATES COMMISSION ON CIVIL RIGHTS
DIRECT EXAMINATION

BY MR. HENDERSON:

Q Good afternoon, Dr. Berry. Thank you for being with us.

Could you briefly describe before the audience your experience in education over the past decade?

A After attaining a Ph.D. in constitutional history and a J.D. from the Law School of the University of Michigan, I have been a faculty member in various universities around the country and an administrator. I was Chancellor of the University of Colorado at Boulder, where I was also professor of history and law.

I was Assistant Secretary for Education in the Department of Health, Education, and Welfare from 1977 to January 1980. I was Provost at the University of Maryland at College Park. I am now professor of history and law and a Senior Fellow in the Institute for the Study of Educational Policy at Howard University, in addition to my duties at the Commission.

Q Thank you. While Assistant Secretary of Education, did you commission a study on basic skills and quality education in this country?

A I most certainly did.

Q Did this study deal with minimum competency testing?

A It did indeed, Mr. Henderson.

Q Why was the study commissioned?

A We commissioned the study because we had a great deal of concern about the quality of education in the country. We were familiar with the decline in scores on verbal and mathematical on the SAT and the public complaints about the decline in achievement. And those of us who were in HEW thought there might be some federal policy initiative that could be undertaken that might give support to the state and local communities and to private education as it worked to deal with this educational quality problem.

Q Can you identify the members of the panel who examined this issue?

A The panel was chosen by the National Academy of Education, which is the most distinguished body of people who were in that field -- and they selected persons like Thorndike and Goodladd and others who are experts in education, Ralph Tyler and also other people.

Q Ralph Tyler was one of our witnesses yesterday. He was a member of that panel?

A Yes.

Q What were some of the conclusions of the panel

regarding the establishment of minimum competency testing?

A The panel focused on minimum competency testing because we asked them to, because it was being sold as one of the easy solutions by some of the people in some of the states to the problems of educational quality.

And I myself thought that if a minimum competency test will solve this problem, boy, that will be very simple indeed. All we have to do is come up with a program to simply fund some support for those in every community and I was elated that this would be the outcome.

So they looked at minimum competency testing from that standpoint. And the conclusions they reached, in general, were that a minimum competency test would not solve the problem of educational quality in our schools, that the tests, I think, as they put it, are unworkable. They exceed the expertise on measurement arts in the teaching profession, and creates more social problems than they solve.

Q I assume the panel would have rejected the notion of instituting an minimum competency test on a national scale?

A Well, they looked at that idea because some people were advocating such a test. Admiral Rickover and other people and some of the people in the Congress had asked us to look at the idea of a national minimum competency test.

And they looked at that, and they see we need to

worry about whether when the Federal Government gets into the business of saying what will be taught in schools or what kinds of tests will be given and what the scores will be, that we might get some less benign governmental officials -- not us, of course -- who might suggest something like a national curriculum and mind control and that we should steer away from that, especially when the minimum competency test itself was not a solution to the educational quality problem.

Q That seems to fly in the face of local control of school districts.

A Absolutely, they concluded.

Q Do you think the use of minimum competency tests to deny diplomas or to promote within grade level helps students encountering academic difficulty?

A I think that minimum competency tests could help students and could help to improve student achievement if certain things were true. For example, if the minimum competency test was rigid enough so that once one passed it you would have some reasonable degree of assurance that a person did know enough to attain certain kinds of employment or go on to school and then every student had an opportunity to learn the material that was in such a test and that the makeup of such a test was within the skills and expertise of testing professionals as they understood it.

I think in the absence of those three things, that very often a minimum competency test does not help students, because testing is not used for diagnostic purposes, which our panel told me that is what testing is supposed to be used for, to help students, and that it is not to be used to eliminate students.

So I would support its use for diagnostic purposes to help us, especially in the early grades, to find out where the problems are with students so that they can be helped rather than simply passing students along from grade to grade and then when they are in the twelfth grade giving them a test and saying, "Well, society should not have to deal with them anymore if they pass."

Q From your assessment of the field in this area, does minimum competency testing particularly impact on certain types of students, minority group students, the handicapped?

A I believe that any student who does not have some physiological problem or some problem of retardation that is defined adequately by professionals can pass tests if the students are taught the materials. I believe that. But it is the case that in some communities, some students, especially those of minority groups and some handicapped students, have not either been adequately taught the curriculum, there is no evidence that they have been, or

they have certain educational deficiencies that are no fault of their own. And all the minimum competency test does is to serve to eliminate them from the educational system so that people do not have to deal with them rather than helping them.

Where it has that disproportionate discriminatory effect, I think that it is unfair to impose such a requirement.

Q Might a minimum competency test or implementation of a test on a state level limit the access of minority students in particular to higher education opportunities?

A If you assume that nonpassage of a minimum competency test means that one does not get a high school diploma and that one needs a high school diploma to be admitted to higher education, obviously students who do not pass and if they are disproportionately minorities would be excluded.

I think it would be absolutely essential to see to it that students in those cases did have an opportunity to learn whatever was on such a test and that such a test was validated by experts to be a good predictor of whether in fact students could perform in higher education before one should use such a test to exclude people.

You see, the difficulty with these tests is that once one flunks them and there is no credentialing, no high

school diploma, that does not mean that society is finished with the problem. I mean the person still exists, and there are social costs associated with dealing with the problem that has been passed along from grade to grade.

So the minimum competency test is not a panacea. It is a beginning of a problem, in some cases, and not the end of it.

Q Dr. Berry, thank you very much. I have nothing further.

A Thank you, Mr. Henderson.

HEARING OFFICER JORDAN: Cross examination from Dr. Popham is now in order.

CROSS EXAMINATION

BY MR. POPHAM:

Q Dr. Berry, you have observed that there is a growing concern over the quality of education in this country, particularly over the last ten or fifteen years. Correct?

A A concern which I share.

Q Not only is there a decline in test scores, which you have cited, but also in some of your earlier writings you have cited studies which suggest that a large proportion of our young men and women cannot complete job application forms and the like.

A That is true.

Q I would like to spend a moment or two dealing with the report that you commissioned by the National Academy of Education group. Is it not true, Dr. Berry, that all members of that panel were professional educators?

A They were chosen by the National Academy of Education with the understanding that they would be people who have expertise in the field of education and testing.

Q And they certainly are that. But they are also professional educators who one might expect would have a bias, perhaps, in favor of saying that the educational establishment had not been doing that bad a job?

A One might suppose as well that lawyers have a bias, if the logic follows, for saying that the legal system works perfectly, and I do not think that is the case.

Q Is it not true that the first draft of that particular report was authored by Arthur Wise, who is an avowed critic of minimum competency testing and in fact was one of the prominent witnesses for the con team?

A It is not my understanding that he authored the report. That is not my understanding. My understanding is that it was authored by the persons who were there. He may have worked in the collation of it or the revision or writing of it.

Q Apparently, the members of the panel responded, and these responses were then collated by Dr. Wise.

A Yes, indeed.

Q And his preliminary draft was circulated to members of the Academy?

A It is quite routine when you have a body of people on such panels to have someone write down and collate the findings. I would not make that an issue, but I would not deem that technically authorship.

Q I am simply trying to suggest that this was a report of individuals who certainly have technical expertise, but raise with you the possibility that there might have been some tilt in their view regarding minimum competency testing.

A There is always a possibility that everyone has a tilt in some direction or the other.

Q Earlier today we heard Professor Ebel describe the technology of testing as thoroughly adequate for the demands of minimum competency testing programs. And yet the panel composed of some experts on that same subject apparently disagreed. Is it then your conclusion that experts can disagree over the issue?

A Experts always disagree. As I recall, the reason that was given by the panel on that subject was they cited the example of an English composition; they said there would be a great deal of quibbling and technical argument about what items should be on a test, how they should be answered,

what would make an effective minimum cutoff score. I think that those were the technical considerations.

Q If pushed to its logical conclusion, would not that argument suggest that since there would never be total accord, that we ought not measure youngsters on anything?

A I believe we should use tests, we should measure youngsters on everything. My objections to minimum competency tests are when they are misused, not for diagnostic purposes, not for remediation, not to help students, but to simply pass students along to the twelfth grade and then flunk them and say we have no more accountability.

But when they are used appropriately, I would support them. And I know that no test is perfect. So my position is not based on a rationale that the imperfections lead to my rejection of their use for high school graduation.

Q We were very impressed with your observations about what would constitute, in your view, an acceptable minimum competency testing program, and those observations coincide very largely with our own team's recommendations, certainly, to have the tests serve a diagnostic function, to have them be reasonable, and so on.

But there was one point for potential disagreement, and I would like to push a little in that area. Are you in favor of social promotions? It seems to

me you are on record as opposing them.

A Absolutely.

Q Very well. Then, since you are opposed to social promotions, could we not assume that you might believe that a basic skills test could constitute one, not the only, criterion that might be used in awarding a diploma?

A You cannot assume that. If you are asking me the question, I would think that a test given appropriately in the early grades could be used for diagnostic purposes, and a student might be held in whatever classroom environment, whether it is the same grade or whatever people feel is the appropriate thing, until the deficiencies have been remedied.

Q What happens when you reach a point where you have tried pretty valiantly through these diagnostically oriented minimum competency tests at lower grade levels to get a youngster up to mastery and finally at the twelfth-grade level, having tried three or four or five times, the youngster still cannot perform satisfactorily in reading, writing, and mathematics? Would it be in your view acceptable to grant that student a diploma?

A Your question has pinpointed precisely the problem. If a student is in the twelfth grade and has been passed along by a school system, until that time there has been a failure on the part of the school, the parents, the community to deal with that student's problem. And we

should never be in that position. That failure should have been dealt with. And at that point certainly I would not say that a student ought to be given a diploma and it should be said that he has passed all the courses.

You have there a problem of discrimination. What I want is accountability built in very early so that we never have to come to the question that you raise as to how do we solve the problem, how do we protect society from this person who doesn't know anything because they have been in the school system all these years and have not been taken care of.

Q Or how do we not deceive that person by suggesting that they can perform skills when they really cannot?

A I think they really know when they can't. I don't think we are deceiving them. I think the problem of deceiving other people might be greater. People know when they can't read or write, and many of them agonize over it.

And I think that it is absolutely insidious to have people in that position after being in school for twelve years. And when it happens to minority students, as it does disproportionately, I think it is even more insidious.

Q But failing that perfect world in which we have corrected all these deficits -- and we have not corrected all these deficits up until the last moment -- until we

reach that time, what would you do with the student sitting there at the end of the twelfth grade who has tried several times but still cannot read, write, and compute very well? Until we get to that perfect world, what would you do?

A I would use the very best methods that are available to try to teach the person how to read and write. That is what I would do.

Q But if you were not successful, what would you do then?

A I am assuming that there is enough expertise amongst the education profession in this country somewhere that someone knows how to teach people unless they are absolutely mentally retarded and beyond hope and are not even educable.

Q I think that is a wonderful aspiration, but you are an experienced educator, and you realize that there are instance in which the situation I describe is not at all fictitious, it will happen. And what would you do then? Of course, you can say if only they had. But they do not have at that point. And I am wondering if at that juncture you would give a diploma to a person who cannot perform those basic skills.

A I would teach them to read and write and perform basic skills, and then I would give them a diploma. That is what I would do so they would not be a burden to society.

And I would not simply absolve myself of all responsibility at that point.

Q One last question from me. You have been asked questions by the con team about whether or not the use of minimum competency tests would prevent large numbers of minority students from going on to college. Would it be your view that those minority students are well served if they enter college without basic skills?

A I would think no one would be well served if they entered college without basic skills.

MR. POPHAM: We find ourselves in alarming accord with your views.

HEARING OFFICER JORDAN: Any redirect?

Thank you very much, Dr. Berry.

The next witness, Dr. Robert Calfee, professor of educational psychology, Stanford University, Stanford, California.

TESTIMONY OF ROBERT CALFEE,

PROFESSOR OF EDUCATIONAL PSYCHOLOGY

STANFORD UNIVERSITY, STANFORD, CALIFORNIA

DIRECT EXAMINATION

BY DR. MADAUS:

Q Dr. Calfee, could you describe your area of expertise in education for the audience?

A Yes. I am an educational psychologist at

Stanford. My specialties are cognitive psychology. I am interested in how people think. I do work in reading and reading instruction. And I have been particularly interested in the relationships between testing and teaching.

Q Why are you opposed to minimum competency testing being used for promotion, classification, and graduation decisions for high school students?

A My chief concern is the reliance on group-administered multiple-choice paper-and-pencil tests to assess a student's education. What is really important from an education is being able to think intelligently, to express yourself clearly, to generate alternatives, not simply to pick the best one.

Secondly, I think, we have yet to establish the validity of these tests for the uses to which they are put. There are really three areas: what is learned in school, what we need in life, and what the test measures. We really don't know what the overlap between those three areas is today with any certainty.

I have a concern that competency testing is going to lower the quality of high school education over the long run, and I think that eventually public confidence in the schools is going to be further undermined when they realize that they have been misled by one more educational fad.

Q You are concerned that minimum competency tests

may not measure what they purport to measure. Could you explain your reasons for this particular concern?

A Yes. In simple language, there are three concerns. first of all, deciding what to measure, deciding how you measure it, and deciding what to do with the results of that. Let me say a few words about each of those.

What to measure. There is continuing debate about whether we should be measuring basic skills or life skills. Basic skills in reading, writing, and mathematics should be achieved before high school. They are, in fact, the foundation of a high school education.

I think that defining the basic skills needed for success in high school is difficult, but I think it a possible validation task. You have to look at what schools teach, look in the classroom, and talk with competent students and teachers.

As to life skills, I don't think that we really can state with any degree of clarity and certainty what life skills are important for high school students, at least not for all high school students, and to be measured on a group-administered test.

How to measure. Well, it is interesting. We take the group-admnistered multiple-choice format for granted. It is more convenient for administrators. In fact, such tests tell us whether the student is right or wrong, but

nothing about the line of reasoning.

The basic skill for success in this society, I would argue, is thinking. And that is often hard to assess with a paper-and-pencil test. There are other problem spots for a test of this sort across the board. Any standardized achievement test has the same ones.

First of all, going from general conceptions to specific objectives, I have a sense that we tend to drop the more general conception by the board. Once you go from a specific objective to an item, some person is going to have to write that item and that person and their skills and their biases make a great deal of difference.

There are problems of evaluating items after tryout, and the techniques we use for standardized tests are not necessarily appropriate for this type of test. There are resources for test construction. If you want local districts to be responsible for their own tests, where do they get their resources, the expertise? In California I think the results of that have been the reason for a good bit of alarm.

Finally, there is just the matter of collecting the data, the testing conditions themselves, getting children together into spaces that will hold them, keeping children motivated, keeping youngsters motivated for the length of time that it takes. Those should not be taken for

granted.

Finally, what to do with the results. Well, there is an interesting problem that we are now confronting, and that is how to use a testing procedure and methodology designed for one set of purposes for quite different ends. I think that we are relying on a new and largely unevaluated testing methodology, at least unevaluated for this use, to make lifelong decisions for hundreds of thousands of people. To use the current parlance, we need to build a better safety net for that.

What is different about competency tests? Well, in the past we used achievement tests as indicators. Not all of them were adequately validated, but they generally looked okay, and they seemed to work well as supporting evidence, not for hard and fast decisions, most of the time. If a test wasn't perfect, we had other evidence.

The situation is very different when a single, relatively brief paper-and-pencil test is put to use to assess the outcome of ten or more years of schooling. I just can't imagine any test that we could be sure would meet the validity requirements of that situation.

Q Thank you. You seem particularly concerned in what you just said about the shortcomings of what you called the "group-administered multiple-choice paper-and-pencil test." This is the type of test that is widely used with

most minimum competency tests around the country. What is wrong with this particular approach to minimum competency tests?

A Basically, it doesn't ask the student to produce anything. It doesn't require the student to integrate, to show that they can think and act with any degree of coherence and understanding. I happen to think those are reasonable minimum requirements from 13 years of schooling. The result is that students may be able to pass the group-administered test even though they don't really know how to do what it is we are trying to measure.

Secondly, test writers are often led by this format to emphasize the trivial and tricky. If a kind of item is easy, you write a lot of them because of that ease. If you write them straightforwardly, sometimes you cannot get enough errors, and what is the good of having a test if everybody succeeds on it.

So the result on the students is that they are often misled by the format, by the lack of clarity, and by the expectation of trickery. And you know, you can't look at the test page and if it is not clear, ask questions. The page does not talk back to you. And it is simply inappropriate to ask the tester; we all know that.

The result is that there are students who in fact could perform tasks if they were asked to do them, but they

fail tests.

Q Could you give some specific examples of some minimum competency testing items that you have found do not measure what they were designed to measure?

A Yes. I have looked over a large number of tests, and I have actually prepared a sample of items from tests around the country that have been slightly modified to show what our youngsters are really facing. Let me just describe verbally some of my favorites.

In one test the key item is an understanding of the phrase "loc. ref. nec." That is not a new Loch Ness Monster. "Loc. ref. nec." is from a want ad. It is interpreted to mean "local references necessary."

Q I fail that one.

A Many students do. These are tough items, and they are selected for that reason. "Interstate." What does "Interstate" mean? The first choice is "between cities within a state. A second choice down the line is "between states." Now, if you are educated, you realize that on a test you are supposed to break "inter" and "state" apart and view it as a Latin combination. In fact, if you are a California student and you drive from Sacramento to Los Angeles on Interstate 5, your life skills are perfectly well served by thinking it means "between cities within a state."

I can give other examples. One of my favorites is

the income tax form, a rather demanding document for all of us and something that when you begin to get income I guess you have to wrestle with, most of us either taking the short form or seeking advice. I simply don't see the point in asking youngsters for detailed analysis of that form. I don't think it should be in the curriculum. I don't think it should be on a test.

Q Suppose that a test does have a few invalid tricky items like the "loc. ref.," whatever it was, is this really a serious problem?

A Well, invalid items of this sort are troublesome for two reasons. First of all, the standards for success and failure are subjective and arbitrary. I think that that point has been well made by a number of other witnesses. It is often a political decision rather than a scientific judgment.

But missing one or two items can make a big difference for the student even if we say remediation, that is often thrown in. Do you know what remediation amounts to? In fact, it amounts to hours and hours of work for students and teachers to go through the activities.

So the result is invalid items are causing students and teachers to waste time. Every one of the items has a label on it. That label is associated with remedial materials. If you fail that item, you go to work. In fact,

the problem may be with the item and not with your understanding. The result is wasted time and frustration.

Q You said that items might be biased. Could you explain what you mean by that term?

A Yes. Other witnesses will talk about bias due to ethnicity and sex. I am concerned about bias due to the educational program. High school students are counseled into various programs or tracks depending on their interests, goals, talents, their aims in life. Each track concentrates on a particular set of instructional goals, uses particular content and methods of instruction.

What you do in a Latin class and what you do in an auto shop are different in a variety of ways. Any given test item is going to be a better match to some tracks than it is to others. A test is a collection of those items, and so in fact I can build a test to favor any track that I want.

We have been looking recently at the relationship between curriculum and test performance, and we find that in general in the small samples we have looked at attesting to favor students in the academic college-bound track, they had broader training, and part of that training is to solve more complex problems. It puts you in very good stead when facing a competency test or any test.

In the data that we are now beginning to see, it is not unusual for youngsters in a vocational track to get

40 to 50 percent correct, on the average, in these tests, youngsters in college-bound tracks, 70 to 80 percent. And what is interesting is that some types of items show a bigger track effect than others do. For instance, basic arithmetic computation shows relatively little track effect compared to word problems, geometry problems, and the like.

Interestingly, if you look at functional literacy and math, you could categorize them according to the amount of thinking required: The more difficult the thinking, the more the advantaged, the college-bound.

Q Are there any other problems that you see in using a minimum competency test to deny students a diploma?

A Yes. Let me mention one more. Professor Lee Kronbacher, a colleague of mine and a national expert on testing, has the following to say in his book on psychological testing: "Almost never is a psychological test so valid that a prediction about a single case is certainly true. When making a decision," he advises, "be cautious, check the case history, try another test. Check special circumstances, like language."

This just seems to be very good advice, and it is consistent with the ethical standards of the American Psychological Association.

Q Whatever the problems with paper-and-pencil format, surely this approach is suitable for establishing

minimum standards?

A I think the basic flaw is the assumption that we can define a small number of simple skills to be acquired at the same level of all high school graduates regardless of their goals, interests, and talents. We have not built our schools on that assumption, and I do not think we should build tests on that assumption.

If you visit a good high school -- and they exist -- you will find variety, not undisciplined, but organized. College-bound, academically inclined youngsters are going to be in a course of study suitable for them. If you want to become a carpenter, an accountant, or what have you, there is a program for you, a program staffed by competent teachers who carry out continuous assessment. They know what the students are doing.

I think if there is a single set of minimum standards, it might make sense to apply those to the elementary school. Youngsters coming into the junior high and high school should be able to read and write and think. And I think we need assurance that is in fact the case.

One of the greatest dangers of competency tests, in my opinion, as presently implemented, is that it is going to reduce the diversity of offerings in our secondary schools, a diversity that is absolutely essential for our youngsters today.

Q Just to clarify a point, even at the elementary level, you would not use the tests by themselves without other teacher input and other indicators to make those decisions about promotion?

A Oh, I think that is just bad and harmful practice.

Q While we want to provide different programs to high school students depending on their career goals, surely we could establish a uniform set of minimum standards for literacy and numeracy?

A Let me stress it one more time so that it won't be misunderstood. I can't imagine a test of basic skills that is appropriate for all high school students. As I say, for sixth-graders, but I would use additional data.

Q Despite your criticism of minimum competency tests, do you not think that the overall effect on the public, on students, and on teachers will be a positive one?

A No. I don't think so. I think the long-run effect -- and I am not alone in my judgment -- will be negative. I think the public is going to find out what the truth is, and I think the truth is already beginning to appear.

According to local newspapers in the Bay area, in December the State of California reported that it looked like one out of eight students, seniors in California, would fail to get their diploma solely on the basis of competency

tests. Another one out of eight would fail because they have failed the course of study.

By June, just recently, Bay area papers are now saying that scarcely anyone is going to fail, less than 1 percent. It is a virtual miracle. In July, very shortly therefter, Linda Bond, the assistant to Assemblyman Gary Hart, who authored our competency test, said to the paper, "I find it very hard to believe that all seniors passed the exam." She continued, "It appears that some districts are actually teaching the test."

Well, of course, districts are teaching the test. Any district with an ounce of sense in one of these systems now has materials designed for each objective. You fail an objective and you are handed the worksheets. Objectives keep very narrowly to the materials. If you don't do that, you are going to fail too many students, you are going to look bad, and in fact you are going to wind up in court.

Professor Donald Campbell, an eminent and respected social scientist, has the following to say: "Anytime a social indicator is used for decisionmaking, it will be corrected and will correct the social processes it is intended to monitor." It has happening in competency tests, and it is going to get worse."

Q Do you not think that a high school student should have to meet some standards before they get a diploma? In

other words, do you not think that we need standards before diplomas are awarded?

A Well, of course, we need standards, and I think we need very strong standards. And there is a place for tests for setting and maintaining these standards, not for the individual but across programs in schools, for screening, for monitoring. They serve a variety of useful purposes.

There are alternative ways to decide how well schools are -- how well students are educated and to ensure accountability. And most, if not all, of these hinge on competent teaching.

It is interesting to note in California that the California law, as written, does not require tests, it doesn't talk about a test. It says the standards must be set and maintained. And in fact, a solidly graded core course at the high school level would satisfy the law, as written, and it could vary from one high school track to another.

Burlington, Vermont, has a mentor system at the secondary level, where faculty members are assigned to students and they work with them as individuals.

It seems to me the important thing here is to think again about the purposes of the American high school. They face an interesting dilemma: How are you going to balance equality of educational opportunity for all

students, appropriateness of our educational offerings to the needs of the society, and excellence of educational achievement?

That is a tough job, but I think it is doable, and I think American high schools are today and have in the past and I hope will in the future do a good job in spite of what appear to be increasing external pressures. We need to remember, though, what the high schools are for.

Don Kennedy is the president of Stanford University and spoke to this point recently with words that I like. He said, "Increasingly, the secondary school curriculum has become diluted with courses designed to meet narrow objectives in pursuit of what euphemistically is called preparation for life. The result has been a relative decline in the ability of California students. We are talking about what they are like when they come to our university and the University of California, and not test scores."

He continues, "If preparation for life is what we really want, the way to get it is by teaching people how to think. No group is more central to that outcome than teachers, and no process is more critical than good teaching. The best analysis cannot be understood, nor can the best ideas be interpreted, without the mediation of teachers."

I like that advice. I don't think tests teach, I think teachers teach. And if we are concerned about the high school, we need to strengthen, support, and reinforce the teaching staff.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY MR. POPHAM:

Q Professor Calfee, the con team opened this session of testimony by suggesting that they were in support of testing, and you have spent a great deal of time castigating tests. Do you believe it is possible to design tests so that they can validly measure what they purport to measure?

A Certainly.

Q And yet you spent a great deal of time criticizing tests as though they were not capable of so doing.

A I think I was more precise. I think I focused very much on one particular testing format which is in common usage today but for which there are alternatives. Alternatives, in fact, if we were a bit clever and thought about the matter instead of proceeding down this path without examination of alternative routes.

We could design alternatives that would be better suited to giving us valid information. There is a separate issue of validating tests. The plain fact is that

throughout the history of the testing movement we have designed tests that we validate by comparing them to another test of the same general format. We are chasing our tails around. I don't see that as progress.

Q You have to have a test be biased toward college-bound students; you are concerned about that. Is that necessary?

A Oh, of course not.

Q You mentioned that there were flawed items in particular minimum competency tests. Does that mean that all test items in such tests must be flawed?

A No.

Q What I am attempting to get at is an image that seemed to me was coming across that these tests were essentially so poor, so weak that they ought not be used. That is not your view?

A My view is that they are being misused today because they and they alone stand as a barrier to the granting of a high school diploma.

Q Do you know of any situation in which a minimum competency test alone, by itself, stands as the only barrier to high school graduation?

A My statement was different. If you fail a competency test although you have passed all the courses with adequate grades in the State of California -- and let

me not speak about the rest of the country -- but in California, to repeat the data that appeared in the paper from the California State Department of Education, in December, if nothing had happened, one out of eight high school seniors would be denied the diploma on the basis of that test alone.

If you look at black youngsters and Chicano youngsters, those values went to 30 and 40 percent. That test alone --

Q I was only quarreling with your assertion, which still seems to me to stand, that you say a diploma is denied on the basis of this test alone.

A Yes.

Q Is it in any high school in California a requisite to pass a certain number of courses with decent grades in addition to passing the test?

A We are talking about failure versus passing.

Q If he does not pass those courses, are they not denied a diploma?

A Of course, they are denied the diploma.

Q Thank you.

A But if they do not take the test and pass the courses, they are also denied the diploma.

Q I am only attempting to make the point, which you apparently concur with, that it is one of several or at

least two criteria. You assert that in a relatively brief minimum competency test we cannot possibly assess the outcomes of ten or twelve years of schooling. Do you know of any situation in which the entire breadth of schooling is attempting to be measured by a minimum competency test?

A If you are going to say to a youngster, "You have taken a course of study. You came in at kindergarten and you have been passed along, for whatever reasons. And you have taken the course of study appropriate to you in high school and you have gotten a C or better grade, whatever the standards are in that local setting, so it looks okay up to this point. But you have taken this test and you failed whatever parts of it, however many items. Everything looked good, but you have missed putting a mark in A rather than B. So, no diploma."

In San Jose a story was reported just this past week about a youngster who failed the spelling test by two items the first time he took it and one item the second time. No diploma. He is working this summer. He is going to try to pass that extra item. He may have a spelling problem. I hope he passes the test.

His mother had some wise words to say about this whole thing. She said, "He may pass the test, but cramming for a test doesn't mean you are learning anything. And if in fact he didn't know anything, that lack is still going to

be there."

Q You have been a professor for a number of years and have certainly awarded grades many times. I assume you used numerical grading systems. Are you not frequently faced with a decision regarding where to cut a particular grade curve and you indeed must make a decision based on one point?

A Oh, yes.

Q And we do not like that, do we?

A Don't like it at all.

Q But we must do it.

A I would hate for that to be a decision that was "Yes" or "No" on a Ph.D. or a bachelor's degree or the like. Many of us do it.

Q What is the alternative, Professor Calfee, when that is the way it turns out? If you set what you think is a reasonable standard and the student misses it by one point, you certainly can give that student numerous other opportunities to pass the test, but if the student everytime misses by one point this passing standard, would you advance him?

A Of course not. But we don't work that way in universities. In fact, your grades across courses, whether you get a baccalaureate or not -- and let's talk about not passing a course but getting a degree -- if in fact that is

based upon evidence garnered from dozens of professors and dozens of opportunities to take very different kinds of instruments in different settings.

Q In many such programs, are there not required courses which must be passed in order for the student to progress?

A Yes.

Q So a passing grade in one course can be the sole criterion?

A I don't know of a single college degree where there is a single required course that, if you fail it and you are only offered it one time and you differ by one degree, that the faculty member involved would not examine other sources of evidence.

Q You have expressed concern about whether or not it is possible for a test to be created by local organizations with modest resources. We have heard a number of witnesses at the state and local level suggest that they could in fact produce reasonably good tests. How do you reconcile your view with theirs?

A I think I am more expert in analyzing and critiquing what they have done. I have spent a good bit of time doing that. And it is my professional judgment, and backed up again by the State of California report, where independently some people at the state looked at the results

of the California experience.

Q Are you going to suggest that experts of the same caliber as you would concur that there are no good tests that have been built locally?

A No, I don't think that was my statement. It is very difficult to do that, and I don't think we can feel much assurance that every district can succeed, and if they don't, they don't pay the price, the students do.

Q You were concerned about the difficulty of locating fundamental skills that student would have to master because you sensed there would be diversity of view regarding that. Let us take a fairly common one in reading, where a student is given some kind of a passage which might be excerpted from a newspaper or magazine, reads that passage and has to identify from several alternatives a statement that seems to capture the main idea. Do you not think that is a reasonable kind of scale?

A Sure. I wouldn't rely on that format as the only evidence about whether the student can do it or not. I would probably want to sit down with the student, with several students, and say, "Read this for me. What is it about?" If they can produce the answer, I would feel much more reassured that they are able to do it.

I think I can teach youngsters to do that who really have no ability to assimilate the information. And

when you go out and work, you don't have four choices.

Q Have you ever used a multiple-choice test?

A Yes, when I was first at Wisconsin in 1965. I had been steadfast and rather out of the stream by using essay tests since then.

A You cited a quotation by Professor Campbell in which he indicated that quantitative social indicators would be used for social decision making, that they would be corrected.

Was not that observation put in the context of statements about unemployment and cost-of-living indices, the Bureau of Labor Statistics and similar large-scale social indices? Do you know of any instance in which minimum competency testing scores are being used in a fashion comparable to the cost-of-living index?

A For the cost-of-living index it is the country as a whole. It looks at the results, and we do not make firm decisions one way or another at the level of the individual. So that is certainly an important difference.

For the individuals involved in this, though, for their parents, for the districts, for a superintendent who is thinking 10 to 20 percent of the students who are seniors are not going to graduate, I see that as not incomparable.

Q It is an important difference, but when you used the Campbell quotation to suggest these are being used as

important social indicators, like the cost-of-living index, and therefore we would expect them to be corrected, that difference pertains, does it not?

A I am not sure that I get your point. But let me make my independent observation. I think independently of Professor Campbell's observations, that competency testing, being used the way it is, is leading to a corruption of testing. We are in fact teaching the tests, and rather than that serving as an indicator we are perverting it and misleading ourselves.

Q As a concluding question, I was particularly troubled by your observations regarding the reports in the San Francisco papers that all of a sudden students were magically able to pass the tests. And I am sure we would all be concerned about that. There is an implication here, though, that I find very troubling. That is, you said that any districts with an ounce of sense would teach directly to the test items. Is that what you said?

A Yes.

Q Do you consider that immoral?

A I don't think it necessarily teaches children, youngsters, what they need to learn.

Q Do you consider it immoral on the part of teachers to teach specifically to the items?

A "Immoral" is a troubling word. I think it has bad

educational consequences. If you view that --

Q Do you consider it dishonest?

A I think we are fooling ourselves.

Q Unprofessional?

A Yes.

MR. POPHAM: I found the word. Thank you very much.

REDIRECT EXAMINATION

BY DR. MADAUS:

Q In that same article by Professor Campbell on social indicators, did he not also mention the Texarkana program where they use tests in performance contracting?

A I did not read the entire article, so I can't really answer.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Thank you very much. You are excused.

The next witness, Dr. Robert Linn, chairperson, Department of Educational Psychology, College of Education, University of Illinois at Urbana-Champaign, Urbana, Illinois.

TESTIMONY OF DR. ROBERT LINN, CHAIRPERSON,
DEPARTMENT OF EDUCATIONAL PSYCHOLOGY
COLLEGE OF EDUCATION
UNIVERSITY OF ILLINOIS AT URBANA-CHAMPAIGN
URBANA, ILLINOIS

DIRECT EXAMINATION

BY DR. MADAUS:

Q Dr. Linn, would you basically describe for the audience your background?

A Yes. I am a specialist in measurement, educational measurement, psyshological measurement. I worked for eight years at Educational Testing Service, where I was a senior research psychologist and a director of the developmental research division there in the last few years I was there.

I currently teach measurement at the University of Illinois and statistics courses, primarily.

Q Have you published extensively in the area of measurement?

A I have published a number of articles in various measurement journals and am former editor of the Journal of Educational Measurement.

Q And you are president of the National Council on Measurement in Education?

A I am. I am not here speaking as representative of that organization, however.

Q Are you in favor of testing?

A Obviously, I am. I think tests serve many useful purposes in this society. They are a source of excellent information to parents, to teachers, to students. They

provide an independent source of information, often. We have heard a lot about, in today's hearings, about the question of honesty. I think that tests do already provide a good deal of information about what is going on. We have the National Assessment of Educational Progress that does a good job at that.

Q Are you in favor of a minimum competency test used for graduation, promotion, or classification?

A No, I am not. In fact, I am quite strongly opposed to it for those purposes, in part because I think that tests have a number of limitations. They are good. There are possible good uses, but those depend upon recognizing those limitations and realizing situations in which you are over-relying on the tests, making more use of the test than the technology can really stand.

I think there are several things that we will be getting into about tests and also some of those limitations dealing with the degree of accuracy, putting too much weight on a major decision on the test without the opportunity of adjusting that decision on the basis of other information.

Q Is part of your difficulty with with the minimum competency test related to the problem of setting a cut score or pass score on the test?

A Yes. The passing score is a very difficult thing to set. It is very easy to write a test that if I use the

traditional 70 percent passing score, which unfortunately seems to be the thing that more programs fall into than not -- they don't all, but a number of them do -- that could be very lenient, so lenient that almost everyone could pass, or so stringent that almost no one could pass.

If you think of the analogy of baseball, 70 percent would be fantastic if you were talking about a batting average. But it would be pretty terrible if you are talking about a fielding average.

Q Could you explain for the audience what the problems are, from your point of view as a technical expert, in setting a cut score or passing score for minimum competency tests?

A Well, the problem is that there is no standard out there waiting for us to discover it. All the standard-setting procedures involve the use of judgment. I think both teams would agree upon that point.

There have been a number of techniques suggested, and it turns out that it makes a huge difference when you try to apply a very systematic procedure, use it conscientiously; you come up with very different answers that affect who will be denied it, who will be denied a diploma, who will be promoted and who will not, depending on which method you use and who it is that is involved in setting the standards.

Q There is some data to show us on that?

A Yes. The chart illustrates some results of the study that I might need to give some background on first. First, it was conducted in the State of Kansas by Poggio and a couple of co-authors who looked at four different standard-setting techniques that have been suggested in the literature. One of these was suggested by an earlier witness today, Professor Ebel, another one by Angolff, a third by Nedelsky, and a fourth is not associated with someone's name.

Three of the procedures involve looking at individual test items, carefully reviewing the items, and making a decision of the form, "Should a person who is minimally competent," whatever that is in the view of the judge, "be able to pass this item, or should they be able to eliminate the wrong alternatives?"

A fourth procedure involves a rather different approach that has teachers make judgments as to who is minimally competent and who is not. And then ask what test score would best discriminate those two groups.

Well, as you can see from that chart, the results you get from these four different methods that we used by a total of over 900 teachers in the State of Kansas varied dramatically from grade to grade and within a grade from one procedure to another.

For example, at grade six on the 60-item test, one procedure would set a passing score of 47, another of 28, which would result in a difference of between slightly over a thousand students failing the test and over 13,000 students failing the test. So this is a huge swing depending on which method you happen to use to set the standard.

Q And do you have data about the different people using the same method, perhaps?

A Yes. If you skip the chart here, this one is actually showing results that are also from comparing different methods. It shows what happens if you have the most lenient procedure at the eighth grade, which this happens to be, which would fail approximately 2 percent of the students as opposed to the most stringent procedure which would fail approximately 29 percent. So you have a swing of 27 percent of the students. About one student in four will pass or fail depending upon which method you happen to use to set the standard.

Q Depending on the method, one out of four is the swing. Okay.

A Now, you asked whether or not it makes a difference who does the judging. The study that looked at this rather carefully was conducted by Professor Jaeger at the University of North Carolina at Greensboro and some

colleagues, in which they really pursued in some detail a procedure that seemed to me to be about as good as I have seen for trying to set standards, that they did it with three different groups.

Teachers are one obvious group that might set the standard, but there are others. There are curriculum experts, principals, teachers, registered voters. In any event, he had three separate groups within the State of North Carolina, a sample of teachers, a sample of principals and counselors, and a sample of registered voters who were selected from random lists of registered voters.

And each of these groups used the same method and tried to set the standards for passing the test within the State of North Carolina. They also had available the actual cut score that was used.

This process was not just a one-pass. Each group went through setting the standards actually three times. They went through a procedure and asked a question for each individual item, "Should every regular high school graduate in North Carolina be able to answer this item correctly?" Then they were given feedback about what other people in their group had decided on that. And they were also told the percentage of eleventh-graders in North carolina who actually answered that item correctly.

Then they went back and did the same reading again

on these items, and they finally were given more information, again told what the other people in the group were doing, and given information about the implications of their judgments in terms of the number of eleventh-graders who would have actually failed the test if they had followed their procedure.

Q What does the chart show?

A What you have is again a chart showing the difference between the most lenient of these groups in this case using the same method and the most stringent. And you have in reading, the chart that is there now, a difference between 9 percent if you use the most lenient group and 30 percent if you used the most stringent. So for about one student in five it would make a difference as to whether you pass or fail.

In math, the difference is even more dramatic. In situations that I looked at, it is commonly the case that there seems to be rather different standard set in math than in reading. And my interpretation of that is that it has less to do with the fact that the students are less competent for necessary skills than it has to do with how easy it is to write test items in mathematics than in reading and how when people look at it a student really ought to be able to answer that sort of mathematics question because the answer is clearer.

In any event, the swing with the different groups here in mathematics would make a difference for over half the students between the most lenient method, which fails 14 percent, and the most stringent, 71 percent.

Q So every other student in this particular method might even be denied a diploma depending on which group was setting the standard?

A Precisely.

Q It is obvious that very important decisions are made on the basis of these tests. We heard that over the past day and a half. Are minimum competency tests reliable and accurate enough to make such decisions by themselves?

A No, I don't think they are, by themselves. I think the tests, as we have heard other testimony, are often more reliable than some other types of judgments. But if you look, if you sit down and take a test, if you took it on Monday and had to take an alternate form of that test, one that was intended to be as comparable as possible on Friday, you wouldn't expect to get the same score.

The difference between these results are what people in the measurement community, at least, refer to as "measurement error." This measurement error is often fairly substantial, enough so that I think it is unwise to make major decisions on the basis of a single-point difference.

Q Would you give us an example of how it might make

a difference?

A Well, if you look at the precision of the test, the measurement error on one test that is well known, published by the Educational Testing Service, the Preliminary Scholastic Aptitude Test, they have a statement about that test which I think applies to a number of other tests. It is not the test used for minimum competency testing programs, and I didn't mean to imply that.

But the statement implies much more generally. Their statement is that the precision of any test is limited because it represents only a sample of all the questions that could be asked. And under this carefully constructed test, which has a range of 20 to 80 on the scale, they have a standard error of measurement, a unit that is used to gauge how accurate the results are of four points, approximately.

This means that if a student really should receive a score of 50 on this test -- that is, if you could give it many, many times, many versions of it and on the average they would get a score of 50 -- about one time in six you might expect them to get a score below 46. Another one time in six you might expect them to get a score above 54.

Another example that you might consider is on the spelling test. Imagine that you set a standard of 70 percent and this was intended to apply to a large list of

spelling words, that you would like to say that the pass score is that the student should be able to spell correctly a list of 70 percent of all these items in this long list.

Well, what happens on the test, of course, is that you have to take a sample of these items out of this larger number. So if you took, for example a sample of 20 of the items, a student who actually knew 60 percent of this large pool of items would have a fair chance of ending up failing the test, in fact would have about one chance in eleven, just by the luck of the draw, of failing that time.

That is one side of the coin. The other side of the coin is even different or worse, possibly, without even taking into account the chances of guessing on a multiple-choice test. A student who really knew only 60 percent of the items in this domain, this long list of words, would have about one chance in four of actually getting over 70 percent because he was lucky and got 14 words that he happened to know from the 60 percent.

Q We have heard a lot of testimony that minimum competency tests have a higher failure rate for minority students than whites. Did you look at some data that would indicate that to be true also?

A Yes, it is true. It is true undoubtedly for many reasons. We have heard a lot of the reasons, testimony about a lot of the reasons today also and yesterday,

differences not only in educational experiences, but in a long history of differences of experience for minority and majority students in this country.

So, for example, on the Florida minimum competency test in 1977 the chance is about one student in October of '77 about one student in four failed among the white sample, but about three in four failed amongst the black sample on the math test.

Q Is it true, Dr. Linn, that a wrong answer to one or two multiple-choice questions on a 70-question test could result in substantial numbers of students failing a test and thereby having their diplomas withheld who otherwise might have passed?

A Yes. It is quite true. And that effect is difference for, say, blacks versus whites in the State of North -- I am sorry -- in the State of Florida. If you recall the results I gave on the early studies on the arbitrariness of setting the standards, in one of the cases in Kansas the swing was as many as 24 points. So it seemed only prudent to consider looking at what would happen in terms of who would pass and fail if you switched this passing score by at least a few points. One, two, or three is what I actually looked at.

The passsing score of 70 percent -- it is actually a 58-item test -- a passing score would require 41 correct

answers. So what I did was look at what percentage of the people would pass if you lowered that to 40 correct answers, 39 or 38. And the chart shows the results separately for white students and for black students.

Now, because the cutting score is set at the location of the distribution where there are many more black students, a larger proportion of black students than there are white students, you end up with a larger reduction in the amount of adverse impacts, the differential between the two groups as you lower that cutting score by those three points. In fact, you would reduce by lowering the cutting score by three points it would change for black students about 6 percent, which would amount to roughly 1300 students in that particular test.

Q That is the communications test?

A That's right.

Q What about the mathematics test?

A The mathematics test, you have even a bigger gap because the cutting scores are set in a region where there are more students involved in both groups, and you would change by reducing the cutting score three points in that case an additional 8 percent of white students would have passed and an additional roughly 14 percent or 3000 black students would have passed the test.

Q About how many students overall then would have

been denied a diploma on the basis of those three items?

A Well, in the case of the math test you would have had an additional 300 -- I am sorry -- 3000 black students who would have failed to meet that passing score on that administration.

Q 3000. So, given that particular fact, with the fact of the way the cut score is set or who sets the cut score, it makes a big difference. A few items can make a big difference in the classification of students.

A That's right. It can make a big difference in the classification, and it can make a big difference and create an adverse impact.

Q Some people say that there are some questions on these tests that are unfair to minority students. Have you ever attempted to substantiate that particular charge?

A Well, I have done several studies of bias involving a number of different tests. It is an area where the methodolgy is far from perfect. We are still developing, and there are a lot of uncertainties in how to go about it. The most relevant results that I have are some analyses that I did, again of the Florida test, based upon two different ways of looking at the question.

One way was to take the results of expert-witness judgments in the Debra P. trial.

Q That is the Florida litigation?

A That's the litigation involving the Florida functional literacy test.

In that trial, expert witnesses identified 19 items that in their judgment they thought were suspect, potentially biased, if you will. I did an independent analysis which looked at it from a statistical point of view and looked to see if there were items that were unusually difficult or more difficult than you would expect on the basis of results on the other items for black students within the test.

My results did not agree perfectly, by any means, with the results of the expert witnesses. But they agreed much better than mere chance. Eight of the items were identified as potentially suspect by both methods.

Incidentally, my statistical analysis identified 14 items as potentially suspect. Now, I am not claiming that those 14 items are necessarily biased. But they are at least suspect on two different grounds. And it seems to me in that situation, especially if you are making a very major decision on the basis of the test, that it again makes sense to look at what the implications are of what would happen if you removed those items or replaced them with different items.

Q Could you show us what does happen?

A Yes. I did that in the last chart that we have up

there. This looks again at a comparison of what would happen now. The first two bars with the zero under them are the results you have already seen. That is the situation where you have all the test items in there.

The next pair for whites and blacks shows what happens when I removed a single item, the one that was the most suspect in terms of my statistical analysis and was one of the 19 identified by the witnesses. When you remove that single item, a few more whites would have actually passed, about one-fourth of 1 percent, and about 1.5 percent additional blacks would pass, or 300 students.

If you removed all eight of them, the amount is larger, as you would expect. And about 4.7 percent, or about 1000 additional black students would have passed the test with those items removed.

Q Dr. Linn, we have seen evidence now that one, two, or three items can make a big difference in classification of students. We have also heard from the other side that the students will be able to take the test multiple times, so it really does not make any difference. How would you react to that?

A Well, I think that is a very curious argument. Obviously, students should have the opportunity to take the test a number of times. I agree with that.

But if, in fact, a strong motivation is to get rid

of the so-called "counterfeit" diploma, then one way to do it is to get people enough times taking this same or essentially the same test -- and I hope it is essentially the same, at least -- and by mere chance, a large number of them are eventually going to get over that borderline. And once they are, you don't keep testing them and asking are you now under, so I am now going to say you failed.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY MR. POPHAM:

Q Professor Linn, what is the alternative to using student performance on tests to make educational decisions even though those tests are less than totally accurate?

A I did not argue that -- well, I will talk about an alternative if you want, but I did not argue that tests should not be used in making those decisions. I think that they are one important component in the decision, but I am arguing against putting a reliance on them that says that this is the necessary requirement to pass at a particular cutting score on this test.

I think that it is important to have some ability to go back and question that when you are very close to that decision, for a teacher who is very close to the situation, for example, may have a better judgment about some of the

implications of passing or not passing and can use the test score as part of that information.

Q And it is acceptable to use the test score in that fashion?

A As far as I am concerned, in fact, it is desirable.

Q There are several themes I would like to focu on, the first of which deals with standard-setting because you spent some time on that. Do you believe that standards on these kinds of tests must be set arbitrarily, capriciously, and mindlessly?

A You want me to answer each of those individually? I would distinguish between those labels. I think they have somewhat different connotations.

Q One at a time, arbitrarily.

A Arbitrarily, yes. I think there is no God-given standard that we are trying to find and will eventually find and it will be the right answer.

Q The Oxford English Dictionary, in its meaning for "arbitrary," suggests a pejorative meaning, a negative meaning. That is, in fact, arbitrary equals capricious and mindless. That is not what you are saying?

A No, I am not saying that.

Q This is nice arbitrary?

A It is arbitrary in the sense that there isn't a right answer that is God-given that we are going to find.

Q But you are not opposed to judgmental standard-setting procedures, are you?

A I think there are no other kind of standard-setting procedures except ones that involve human judgment.

Q Then it follows you are not opposed to it?

A I am not opposed to standards. I am opposed to setting cutting scores on a test that are arbitrarily set by good procedures, but well-intentioned and a lot of work going into those judgments, but still arbitrary standards on this test that you can then make a very major decision on on the basis of.

Q So you are opposed then to judgmental standard-setting on these kinds of tests? You are thoroughly opposed and think it ought not to be done?

A That is not what I said.

Q I am trying to tease out what you did say.

A I think that I am not at all opposed to trying to set standards on the test. You might -- well, let me try to illustrate because there are fine distinctions here. Setting a standard judgmentally, as you have to, on the test as a target is quite different from setting a standard that is then going to be used with no possibility of overruling in an individual case.

Q You describe at some length the fact that

different standard-setting techniques yielded different standards. That does not surprise you, does it?

A No, it doesn't. I would expect that they would yield quite different results. It surprised me that they are as different as they are. I would have, as I believe Bob Ebel testified, he would like them to be closer together. So would I. I think that they are radically apart.

Q Is it not true, Professor Linn, that educational researchers have only in recent years been devoting much attention to solving the technical problems of how to set performance standards?

A That's true. That has received much more attention in recent years. And I think that we are more aware of some of the pitfalls, but we don't have the solutions.

Q You described Jaeger's method as a prominent one, and it is getting some attention on the part of our colleagues. Do you not think that there is some cause for optimism?

A I think that we can improve on how we set a standard. Certainly, I would think that going through a process such as Jaeger's would be much more defensible than coming up with 70 percent, which is often commonly done.

I would go back to the point, though, that I would

still make the distinction between what you are going to use that standard for.

Q I would like to turn to another theme which has to do with the impact of several items on the performance of youngsters, hence the decision made regarding those youngsters. You traced for us your analysis of some items which were initially identified by experts in a trial as being potentially biased. Who were those experts?

A Hilliard and Lilly James were the two, I think, that identified them.

Q And then you took the items and empirically, if I understood, tried to decide which items were missed more frequently by black youngsters than by white youngsters? Is that the way you looked at them? I was not quite sure how you did that statistically.

A Well, I am sorry, I thought you would have been able to figure that out from the exhibit I sent you.

I did it by a fairly standard procedure, one that involves basically a difficulty index which happens to be called "Delta." It is an index used by the Educational Testing Service.

Q But in essence, it is chiefly determined by how many youngsters who are black missed the item versus how many youngsters who are white missed the items?

A Relative to a difference, if there is one, on how

many missed them on other items; that's right.

Q So then you took these items and on the basis of these items discerned that if certain of the items were eliminated, that a greater proportion of black youngsters would have passed the examination; is that correct?

A That's right.

Q Okay. Now, this argument appears to me to be eminently circular. Let me describe why I think it is, and perhaps you can tell me why it isn't.

If we were trying to devise a test and discovered that certain items were answered more frequently correct by a left-handed youngster than by a right-handed youngster and we removed several of those biased items from the test, we would not be surprised when more left-handed youngsters thereafter passed the test, because they obviously would not have missed those items on which they did not perform well.

Now you tell us precisely the same thing is true in the case of the Florida test. You find some items that more black youngsters missed than white. You take the items out, and, not astonishingly, more black youngsters pass the test. Is that what you are saying? And is that not circular?

A I am glad you are not astonished. I think what it does is display the difference in another modality, one that is maybe more understandable; that is, it shows what

difference it makes to individual students, what possible impact it would make if you removed those individual items. I don't consider it circular.

Q Let us take a different example. If I recall, you said -- and we are not focusing on biased items -- but you said if you took some items out of an examination, if the scores around the cutting point happen to fall in the area of the distribution where more of the students were, let us say, more black youngsters than white youngsters, that more of those black youngsters would be disadvantaged by those items and hence would pass the test if you took those items out. Right?

A That's correct.

Q Now, let us assume a different situation. Let us say we devise a test of the history of an ethnic minority -- this is an ethnic minority history test -- and we give it to members of that ethnic minority and we give it to members of the majority.

And we discover that most of the members of the ethnic minority performed rather well and that most of the members of the majority do not perform very well. And we set the cutoff score down here in the middle of the majority. Not too many ethnic minorities get down that low because they do not do badly on the test of their own history.

Then we take some items out and, not surprisingly, more members of the majority advance. Is that essentially what you are seeing in this case?

A That is an explanation of what is going on. And in fact, I tried to say essentially that, but maybe not as eloquently as you just did.

But the point is that the consequence is that the amount of adverse impact varies as a function of where you set this standard, and the standard is arbitrary.

Q What I am attempting to reduce your very sophisticated and eloquent argument to is their basic core, which is if you take some items out that most members of a minority group are missing, then members of that minority group will do better, and if you take some items out, that happen to fall around the cut score, then most of the students performing around that cut score will do better.

That is, in essence, what you are saying; is it not?

A That is a summary of it.

Q Thank you. Final point: You have commented about this 80-percent speller's performance on a 20-item test which is drawn from a pool of items. And on that particular pool of items a 70-percent pass score is set. And you assert that if that 80-percent knowledgeable speller takes the 20 items that one time out of eleven that student would

unjustly fail the test. Is that correct?

A "Unjustly" was not the word I used. But they would fail the test because of errors of measurement.

Q Well, they know 80 percent and 70 percent is the cutoff score. They did not pass. So would that not be unjust, in your estimate?

A It would be to be expected within the margin of error of the test. That is part of my point.

Q But do you not consider it unjust?

A That is part of my point, that we are dealing with a fallible instrument here and that we should not put undue reliance on this technology to make very major distinctions about very small differences.

Q Certainly, when you point out that one time out of eleven a person will fail the test when you might have anticipated they would pass it, it is something. Give me an adjective that would satisfy you. "Nasty"? "Unwholesome"? "Unsavory"? "Bad"? "Unfortunate"?

A It is unfortunate.

Q It is unfortunate. One out of eleven. Do you realize that if a student is given four opportunities to take that test or an equivalent form, the same situation prevailing, that the chance is that certainly would have a unfortunate experience are one in 10,000?

A I didn't do the calculation, but that sounds like

a very plausible number and not surprising. Might I add one more comment, however. That is looking at only one side of the coin. The other side was the student who failed -- I am sorry -- the student who passed, who by the way in which the standard is set, did not really know 70 percent of the words. That student does not take the test four more times.

Also, between the times the student fails it the first time and the time the student takes it the fourth time and passes it one of those four times, some other things are going to happen to that student, that maybe didn't need to happen, that may have bad consequences.

Q You are again talking about the imprecision of measurement?

A That's correct.

Q And we all concur. You have been an advocate of that most of your professional life that errors will be made in the use of tests. The question is what is the legitimate alternative?

A Well, I think a legitimate alternative, as I tried to articulate earlier, is for the test to be used as a piece of information that is then used by professionals in consultation with parents and with students to arrive at a decision about what makes the most sense. What is the most likely beneficial outcome the following year, say, if we are talking about grade-to-grade promotion, in the judgment of

the teacher? Is it more likely that that student will learn more by being passed or is it likely that they will learn more by being held back?

That is an important piece of information, the test score, in making that judgment. But the teacher who is closest to it, and the principal and the parent, are also important in that decision.

Q One truly last question. Is it not possible in some situations, since you wish to rely so heavily on teacher judgment, that teachers will have a vested interest in moving students ahead and therefore passing them when they really do not deserve to be passed?

A It is certainly possible. I would not want to have a major decision such as whether or not a student was going to get a high school diploma based upon one teacher's judgment either.

MR. POPHAM: Thank you.

HEARING OFFICER JORDAN: Is there further redirect?

REDIRECT EXAMINATION

BY MR. HANEY:

Q To borrow Dr. Popham's questioning, your analysis was "unfortunate" or, to use his equivalent, "somewhat nasty." I would like to draw out the point you made in your own testimony which Dr. Popham was ignoring. He tried to imply that your reasoning in your analysis of potential bias

in the Florida test was circular. I would like to ask you did you identify biased items strictly on the basis that black students tended to miss those items more frequently than white students?

A No. The items that were involved were the ones on which there was concurrence between the expert-judgment opinions and the statistical analysis I did.

Q Is it fair to say that you used two independent methods to identify biased items?

A That's right.

Q I would like to ask one last question. Compared to this analysis of potential bias in the Florida test, using two independent methods which gave similar results, would you say there was similar evidence concerning the validity of the Florida test as a measure of functional literacy, which is what the test was commonly known as or claimed to be measuring in Florida?

A I don't know of good evidence on validity of the test measuring functional literacy.

MR. HANEY: Thank you very much.

HEARING OFFICER JORDAN: Is there recross?

We will take a 15-minute recess and return at 3:45.

(Brief recess.)

HEARING OFFICER JORDAN: The hearing is reconvened.

The next witness to be called, Mr. Nathan

Quinones, executive director, Division of High Schools, New York City Board of Education.

TESTIMONY OF NATHAN QUINONES,
EXECUTIVE DIRECTOR, DIVISION OF HIGH SCHOOLS
NEW YORK CITY BOARD OF EDUCATION

DIRECT EXAMINATION

BY MS. PULLIN:

Q Doctor, Professor Jordan has indicated that you re Executive Director of the Division of High Schools in New York City. Could you briefly describe what that position entails?

A Briefly, it means that I am the chief administrative and supervisory officer for the 110 public high schools in New York City.

Q All right.

A Excuse me. I don't have a doctorate.

Q I would be the last person to give someone a worthless degree.

(Laughter.)

You have minimum competency testing in your State?

A Yes, we have.

Q And you are implementating that program in the city schools of New York?

A Yes.

Q In the current senior class, how many students

have yet to pass the test for diploma requirement?

A You are saying as of now?

Q As of now.

A As of now, we have 716 senior students who failed to get a diploma by virtue of not passing the Regent's competency examinations in New York City.

Q And those are students who failed the test but otherwise met all standards for receipt of a diploma?

A Yes.

Q All right. And approximately what percentage of the senior class would that number be?

A That constitutes approximately 1.7 percent.

Q New York City and its public schools have a significant number of students with different language backgrounds, is that correct?

A Yes.

Q Could you indicate for us the variety of language backgrounds from which these students come?

A Well, this year we identified some 40 different languages in New York City and have asked the State to prepare examinations in those languages; that is. Since the State having established a standard for competency examinations, we then felt that the next logical extension of that would be to establish examinations in those languages as well.

Those languages range from Spanish, French, Creole, Greek, Urdu, Tagalog, Farsi, et cetera, et cetera. That is not a language.

Q A significant variety. Why did you as an educator feel it was necessary that tests be developed in those languages?

A Well, the State Education Department has established that itself, although I must say that it did not so initially. Initially, it indicated that all students would have to adhere to a singular criterion of one examination. That included initially special education students as well as the limited-English-proficient students.

It since changed that to allow for alternative tests to be developed and to be administered for the students in those two categories.

Q Did the State then provide you with the translated tests or foreign-language versions of the tests for all 40-some of those foreign languages?

A Only for some, but not for all.

Q What was the distinction?

A Well, the distinction is a multiple one. For some there was a translation of the test in mathematics, for example. The students also have to pass a test in English depending on the number of years that they have been here. And then a written sample also in their native language.

Now, in some instances where the tests were not developed by the State Education Department, the extreme was that the high school principal would have a great amount of authority and jurisdiction by virtue of developing or having the student write an essay of some 250 words and then trying to assess on that basis whether the student was proficient enough to be granted a diploma.

Q Do all of your principals have proficiency in 40 languages?

A Hardly.

Q You have indicated that there were some translated versions of the tests available in other languages.

A Yes.

Q Have you looked at any of those tests and the items on them?

A Well, I happened to look at the more recent examinations, particularly the ones in Spanish.

Q And what was the conclusion you reached as a result of reviewing those examinations? I presume that you are a Spanish speaker?

A Yes.

Q And is that your native language?

A That was my first language.

Q All right. Thank you. I am sorry.

As a result of a review of those items in Spanish,

can you indicate to me what you found and how the impact of those items might be felt by students taking the examination?

A I think first that to translate an examination is totally inadequate, because you get into not only the syntactical problems but you get even into the problems of culture that then in a very subtle fashion establish even more obstacles for the student to overcome.

Let me cite one example for you, and this one was from a very recent examination. It is very brief, and I will read the English portion: "Martha began mowing a lawn at 10:00 a.m. and finished at 1:30 p.m. How many hours did it take her to mow the lawn?" Very simple for anyone who is raised in this country.

To raise this question or to translate it to a student who comes from India, who comes from Latin America, who comes from the South Bronx, let alone, poses a variety of problems that are totally alien to the experience of that youngster. And I would say that if anyone knows a foreign language here, that I would challenge them to translate "mow a lawn." It is uniquely American and middle-class American, and then, consequently, interferes with what the major intent of that question is. And that is to assess the mathematical ability of that student.

Q All right. Very good. Did you find other indications of difficulty with tests which might result for

children who had limited English-speaking ability?

A Let me cite the most recent examination. This was one was given on June 15 of this year; again, a translation into Spanish, although that would have to be in quotes. And I will have to read it in Spanish, but you will see the intent for that.

"Todas las semanas Susana tiene las siguientes deducciones de su sueldo: $5.50 para el impuesto federal ('Federal income tax'); $1.55 para el impuesto estada ('State income tax'); y $1.10 para el seguro social ('social security'). ?Que cantidad de dinero le deducen a Susana de su sueldo todas las semanas?"

One would have to question -- is this a translation? What are all of these English words doing there? What is the intent of the question? Then look at the variety of different elements being introduced into a question of simple mathematics.

Q I would presume that there might be a compounding factor introduced by the fact that children from some cultures and perhaps even children from the mainstream American culture may not be familiar with the concepts of social security withholding or federal income tax.

A When you consider that the inner-city youngster not only in New York City but throughout the country is impoverished and also is unemployed and all of the variety

of elements that that connotes, this is truly an alien question to the majority of those youngsters as well.

Q Could you explain to us whether you think it is fair that the minimum competency tests used in New York and in New York City, your own school district, place a very large penalty on students who fail the test?

A Did you say whether it is fair?

Q Do you think it is fair?

A Patently unfair.

Q Why do you feel it is patently unfair?

A First, you are focusing your major sanction during the terminal grades without having had a sufficient intervention during the early grades. That youngster then has been lulled into a false sense of security -- and certainly those families have as well -- into having been passed throughout eleven years and then in the terminal and twelfth grade being denied a diploma but ostensibly having met all of the other requirements of our school system.

Q Given this and given some of the problems that we have heard about minimum competency testing and the use of that testing, do you hear within your school district any kinds of comments about the appropriateness of using this approach?

A We have very early on expressed -- and by "we," I don't mean just myself but the chancellor of the Board of

Education -- our concern with using such a unitary and singular standard for the denial of a diploma. Not necessarily that that connotes our lack of interest in raising standards for all students, but when you match that together with an insufficient or, in some instances, an inadequately prepared curriculum, then that I think is a reflection on poor educational standards.

Q I suspect Mr. Popham might say that you as an educator are simply afraid of being held accountable in any way for the success of your school system. Do you feel the school system is successful and is delivering the kinds of services it should be delivering?

A Anyone in education has to be brought into the terrible dilemma that feeling that for as many years as he or she may spend in education, you are never going to be as successful as you should be.

MS. PULLIN: Thank you. I have no more questions.

HEARING OFFICER JORDAN: Mr. Popham.

CROSS EXAMINATION

BY MR. POPHAM:

Q Mr. Quiones, you described the fact that 716 students would not graduate on the basis of failing the test but had mastered all other requirements.

A I would simply change "would not" rather to "have not."

Q Have not. Well, if I understand you, then, the 716 students have been able to go through the rest of the program and yet have not been able to pass a test. How many students are in that grade level? About 40,000?

A We have approximately 42,000.

Q 42,000. And 41,000-plus had passed. We cannot consider it a terribly stringent exam, then, I assume. And yet the 716 students have not passed the test. The question is is this a comment on the test or a comment on the system?

A First, there seems to be an assumption that the test is adequate regardless of the number of students who fail it or who may pass it. And I don't accept that assumption.

Beyond that, I would hope that we place much more emphasis on the adequacy of our curriculum and on the adequacy of instruction. We continue to have a system where the accountability rests on that youngster. That youngster will have to take a competency examination in mathematics even if he or she has never had a fully licensed teacher of mathematics. Now, that is patently unfair also.

Q Do I take it, then, that you might be more favorably inclined toward these examinations if, as you describe, earlier accountability, responsibility was leveled against teachers, such that in fact the youngster had many opportunities to prepare along the way? Would that be a

somewhat more palatable system?

A I would say, first, that I don't have the discontent with examinations as I believe your question implies. But my concern is that it not be used with such singular emphasis as it currently has.

Q I recall your saying that you thought it was unfair late in the game and if they had had earlier opportunities it would have been more fair; something along those lines?

A And together with a developed curriculum criterion, reference examination, and adequate staffing and teaching.

Q You are singing our song. Thank you.

HEARING OFFICER JORDAN: Further questions?

Thank you very much.

Our next witness is Dr. Roger Farr, Director, Lester Smith Center for Research in Education, Indiana University, Bloomington, Indiana.

TESTIMONY OF DR. ROGER FARR, DIRECTOR,
HENRY LESTER SMITH CENTER FOR RESEARCH IN EDUCATION
INDIANA UNIVERSITY, BLOOMINGTON, INDIANA

DIRECT EXAMINATION

BY DR. MADAUS:

Q Could you please describe for the audience your area of expertise and education?

A Yes. I consider myself a specialist in both the areas of reading and measurement. For the past ten years I have been conducting studies and summarizing research on literacy trends in the United States. I have also worked extensively with schools and teachers in planning and instituting reading programs across the United States.

I am the author of two nationally standardized reading tests, a consultant to the National Assessment of Educational Progress, a past president of the 70,000-member International Reading Association, author of a 1970 book entitled "Reading: What Can Be Measured?"

I am presently professor of education and director of the Henry Lester Smith Center for Research and Education at Indiana University. And during the past year I have testified on reading achievement and reading trends before two congressional committees.

Q Now, you have been watching the development of minimum competency testing across the country. To what do you attribute the rapid development of minimum competency testing?

A I think the rapid development of minimum competency, which I think is a simple-minded solution to the wrong problem, has grown out of three or four different concerns. First of all, it is the public dissatisfaction and the assumed decline in education, particularly the

assumed decline of students' reading ability. The public belief seems to have become quite strong in the past ten to fifteen years that education is not accomplishing what it ought to be.

I should emphasize that criticism of education is not new and probably the most serious attacks on education occurred at the time that comprehensive free public education was first established in the United States. Nevertheless, the criticism continues.

I would base that criticism on a number of factors. First of all, there is an increasing expectation of what the schools are supposed to accomplish. Census data clearly reveals that the average grade completed of parents, adults in the United States, has been constantly increasing. Those better-educated parents expect more, indeed demand more and better education for their children.

Secondly, the public media constantly emphasizes the negative about education. If I could, I would like to read you two paragraphs that make that point, I think.

The first paragraph comes from a little pamphlet put out by the National Assessment of Educational Progress. It is a very objective, straightforward statement about how youngsters in this country are reading. I would like to read you just the first paragraph of that statement. It is entitled "Three National Assessments of Reading: Changes in

Performance, 1970-1980." The paragraph goes as follows:

"Results of three reading assessments indicate that significant gains by nine-year-olds, first observed between the 1971 and 1975 assessments, continued into the third reading assessment. Performance of 13- and 17-year-olds remained relatively stable from the first to the third assessment, with 13-year-olds gaining slightly in literal comprehension, while 17-year-olds declined slightly in inferential comprehension."

I now would like to read to you from the front page of the New York Times. The date is April 29, 1981, an interpretation of that data. Again, I would like to read to you what most people read, the headline for that article and the first paragraph. The article is headed as follows: "Reading Data Indicate Decline in Reasoning Ability."

"New evidence of lower achievement in schools throughout the country was provided yesterday by the National Assessment of Educational Progress, which found that the inferential reasoning of 13-year-olds and 17-year-olds declined on reading tests in the 1970s."

I am pleased to say the article does go on, and the fourth and fifth paragraphs start to get back to some of the positive data. But there are lots of people who read only that headline and lots more who read perhaps just the first paragraph.

There is a third issue that I think needs to be taken into account when we consider what the schools are accomplishing. Over the past 25, 35, 40 years, the schools have begun to provide an education for 90 percent of our population that 25 years ago was provided for only the top 50 percent.

Our strong and important national efforts for increased equality may have lowered our average achievement levels, but we have to remember that more students are included in that population, so we are indeed accomplishing higher levels of literacy for a much broader spectrum of our children. Basic literacy skills are at an all-time high.

The fourth point is the decline in some tests, particularly the Scholastic Aptitude Test, which seems to have been taken as the essence of what education is all about. The Scholastic Aptitude Test that is administered to high school seniors is not an indication of where we are in education in this country. And the Willard Wertz report that reviewed that data and the decline in the SAT scores carefully pointed that out in just two brief quotes from that report, the Willard Wertz report:

"Any generalization from the SAT statistics has to be carefully qualified. It should not be extended to cover the situation of American youth as a whole or the overall effectiveness of the learning process."

And a second brief quote: "Recently published College Board guidelines on the uses of College Board test scores and related data warned sharply against their misuses as measures of the broader effectiveness of elementary and secondary education in general."

Q Does the SAT measure basic literacy?

A No way. The SAT does not measure basic literacy. Nor was it ever intended to measure basic literacy. It assesses a very high level of reading comprehension and vocabulary knowledge. Studies we have begun to conduct at Indiana University indicate that a minimum ninth- or tenth-grade level is necessary in reading ability for a student to even obtain a minimal score on the SAT.

Q Will the minimum competency testing movement around the country reverse the SAT decline?

A I don't think so. There isn't any indication that it will. I believe that, in fact, we will get an emphasis on the wrong things if we follow the minimum competency test.

Q It could make it worse?

A Yes.

Q Is basic literacy declining? Let us get back to that, because a lot of the reasons put forth for minimum competency testing is that basic literacy skills have declined.

A No. Obviously, that answer, however, needs to be

qualified, and it depends on what one means by "basic literacy." If the definition of "basic literacy," however, are those reading skills and reading ability generally taught in the first to sixth grades and those things that are measured on what we call sixth-grade reading ability, then there is no decline in basic reading skills whatsoever. Indeed, basic literacy is increasing.

If I may, I would like to point to some charts that we have that emphasize this data, I think, quite simply and clearly. This is data from the National Assessment of Educational Progress. This first chart is the data for nine-year-olds, and as you can see from the chart the first column indicates the 1970 data, and the second column 1975, and the third column 1980. And the four groupings are across four areas.

First of all, all exercises on the test; secondly, literal comprehension; third, inferential comprehension; and fourth, reference skills. Those increases that you see in the third column in each grouping indicate the largest gains that National Assessment has ever witnessed on any examination they have ever administered in the United States.

We might take a look at the 13-year-old data; that is the second chart. That one shows generally a flat picture with certainly no decline, and a slight increase on literal comprehension. Basically, though, it is pretty flat

data with no decline or increase.

If we could turn to the third data, the 17-hear-old data, you can see on that chart again it is basically a flat picture. The only significant change was a slight decline on inferential comprehension. So we have nine-year-olds on basic skills going way up; 13-year-olds relatively flat, with a slight increase on literal; and 17-year-olds relatively flat with a slight decrease on inferential.

Commenting on that data, National Assessment -- where again its only vested interest in this process is to provide the best data possible to the nation so that a best policy decision can be made -- I would like to give their quote:

"Much more sophisticated analyses of National Assessment would flesh out the general trends suggested by this synopsis. However, even so general a sketch as this one suffices to make a point with far-reaching implications for policy and practice. The Assessment results show that most 17-year-olds possess the basic literacy skills. The proportion of disadvantaged young people who have acquired these skills are still lower than the proportion of advantaged teenagers. But that gap narrowed significantly throughout the '70s."

A study that we conducted in Indiana, a comparison

of reading achievement, matched the performance of nearly 8000 sixth- and as many tenth-graders in 1976 against a larger sample representing about one-fourth of the State's students in those same grades in '44-'45. I hasten to point out that many more dropouts, many more students were dropping out of schools in that '44-'45 period than in 1976.

The 1976 Indiana study shows that today's children, those youngsters in Indiana at that time, read far better than students their age 30 years ago. When the scores were adjusted for the significant age differences, the 1976 sixth-graders outscored their earlier counterparts significantly on every skill measured and on total scores.

The adjusted scores of the 1976 tenth-graders were also significantly higher than those of the 1944-45 students on all such tests except one.

The major conclusion of the Indiana study was that the reading achievements of the 1976 were markedly improved over those at the '44-'45 students.

Another conclusion, and I think a very important one, from that study suggests that the contention that students today do not read as well as those from the past, at least as far as basic literacy is concerned, is a dismal myth.

There are many other trend indicators and many other studies. Those who don't like just test scores and

what they measure, I could go on and tell you about studies that have to do with reading habits, the numbers of libraries, the numbers of books in print, and percentage of students that visit those libraries. And all of those are positive indicators.

Q Does the International Reading Association have a position on the use of minimum competency tests?

A Yes, because minimum competency tests in the area for reading are quite common. It is usually the first area that someone sets about assessing.

Our board of directors and, later, our delegates assembly at our convention, both our world congress and international congress, adopted the following position, which I would like to read to you. It is very brief:

"No single measure or method of assessment of minimum competencies should ever be the sole criterion for graduation or promotion of a student. Multiple indices assessed through a variety of means, including teacher observations, student work samples, past academic performance and students self-reports, should be employed to assess competence.

"Furthermore, every effort should be made through every possible means to remediate weaknesses diagnosed through tests. Retention in grade or nonpromotion of a student should be considered as only one alternative means

of remediation and one that should be considered only when all other available methods have failed.

"For these reasons, the board of directors and the delegates assembly of the International Reading Association is firmly opposed to the efforts of any school, state, provincial, or national agency which attempts to determine a student's graduation or promotion on the basis of any single assessment."

Q Dr. Farr, as a reading specialist and a person who is engaged in testing in reading, can all important aspects of reading be measured by a multiple-choice test?

A No. As an author of reading tests and as a reading specialist, our tests can measure some things. It is interesting that those aspects that are most easily measured and most often measured on our tests are not the end goals of reading instruction but only the means to that end goal.

The ultimate goal of the reading instruction is whether a person uses print materials as one more avenue to a rich, full life. Comprehension, especially critical retention of what one has read, and the integration of new ideas with what one already knows are really the evidence of the goal we are after.

Reading tests, particular minimum competency tests, focus on very low-level literal comprehension, and I

don't believe it determines whether a student can even understand what he reads.

They also emphasize word-recognition skills tested in isolation from comprehension. Many specialists in reading and researchers seriously question the value of testing isolated reading skills.

Q Do you think that this emphasis on the isolated reading skills that minimum competency testing has and is focusing on will eventually hurt reading?

A I don't think there is any question at all that it will. And I would like to explain how I think that is going to happen. There are three concerns:

First of all, the emphasis on basic word-recognition skills and minimum literal comprehension seems to detract from an emphasis on the teaching of higher-level reading comprehension ability. Higher-level reading comprehension ability doesn't start in twelfth grade; it starts in first grade. Indeed, it starts before then. What tests emphasize will always be the focus of instruction.

The emphasis on teaching minimum competency skills, basic lower-level reading comprehension, and isolated word-recognition skills may help to explain the decline of reading competency and comprehension at the higher grade levels. Research by Dolores Durkin at the

University of Illinois, and others, substantiate the facts that the teaching of reading comprehension beyond the simplest literal interpretation is being very badly neglected at the lower grade levels.

Secondly, if minimum competency testing increases an emphasis on minimal basic reading skills, we will be emphasizing an area of reading instruction which has been constantly improving, as the data indicates. In an area where we are already at an all-time high achievement level.

Finally, it is quite possible that these basic minimal comprehension skills will become the standards for success for a school. I certainly believe we will hear schools claiming that they are successful if 100 percent of the students achieve the minimums. And our concerns for reading in the '80s and '90s and the next century should be on higher-level reading, critical reaction skills. It is an area where society demands more of its readers, and it is an area that is not going to be emphasized if we continue to fiddle around with minimum competency.

Q One last question -- quickly, because we are running a little behind.

Is it possible to effectively identify the most disabled readers without the use of minimum competency tests?

A Sure it is. There are a number of studies that have contrasted teacher judgments with all kinds of other

criteria. The correlations are extremely high. Any teacher or school staff can easily and quickly identify the poorest readers in a school or classroom. More importantly, they can provide very specific information regarding the level of reading ability of these children; that is, not just that they are good readers or poor readers, but the kind of reading material they can be expected to read with ease.

The establishment of minimum competency testing seems to strongly suggest that the schools have not or cannot accomplish that task without a new set of tests in all schools. Quite the contrary is true. I would suggest that the schools that today cannot identify their poorest readers or teachers, that cannot identify their poorest readers and describe the reading ability of those readers after two or three weeks of school, much less after twelve years, is guilty of educational malpractice.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Dr. Popham.

CROSS EXAMINATION

BY MR. POPHAM:

Q Professor Farr, we have heard a good deal about the lack of decline in basic skill mastery in this country. Our opponents contend that if scores have in fact not declined, that there is no need for minimum competency testing. I would like to ask you does the lack of a decline

in a set of skills automatically indicate that the level of those skills is sufficient?

A Not in any way at all. And I don't think that the opponents have argued that a flat-score pattern or not-increased pattern is evidence that we shouldn't have minimum competency tests.

Q Could you not be in favor of minimum competency testing without in any sense supporting the notion that there has been a decline? Could you not just say it is not good enough?

A Surely. And the International Reading Association is clearly in favor of minimum competency assessment using a wide variety of assessments.

Q I was pleased to hear the Association's advocacy of multiple indices when important decisions are to be made about youngsters. Are you aware of any minimum competency testing program in which passage of the test is the only criterion for graduation?

A No, I have studied the minimum competency tests, but not their rules for graduation and promotion. So I would rather not comment on that.

Q If you find one, I would like to know.

A If you do, I think that would be a very bad sign, and I think it would be a very bad indication of educational practice if indeed they relied on a single assessment.

Multiple assessments are what we are after.

Q There appears to be some inconsistency in your testimony that I am sure you can clear up. It seemed to me that you were saying that paper-and-pencil tests have difficulty in capturing higher-order reading skills that you would like to see measured. Is that correct?

A I think I said that, as well as the end goals of reading instruction.

Q Right. And yet, having decried the ability of these tests to tap these higher-order skills, you cite a wide array of data which were drawn, by and large, from paper-and-pencil tests. That seems inconsistent.

A Not at all. As a matter of fact, I was going to add, and Dr. Madaus cut me off -- well, didn't cut me off -- but told me not to expand on the data, the number of libraries. As a matter of fact, I could cite a large number of studies that indicate that library usage is going up very rapidly in this country, that we have had a 2500 percent increase between 1960 and 1975 in the number of paperback books on our shelves, 2500 percent.

Q But you did, Dr. Farr, place some substantial emphasis on reports of those tests that had been used?

A Yes.

Q But yet you say those tests do not measure higher-order skills, and that bothers me. It seems

contradictory.

A Yes. I did use that test data. And again, in a minimum competency testing movement, I would use test data. We already use test data extensively in the United States. We have so much testing going on now that I am often ashamed to say I am a test author because of the massive overtesting. And we are now adding minimum competency testing on an already overburdened system that tests enough to know everything it needs to know without another testing program.

Q Have you addressed these remarks to your test publisher?

A No, just to my son's tuition-taker.

Q From your testimony, one would conclude that you think the caliber of reading instruction in the United States is eminently adequate. Would you like to go on record today as indicating that the level of reading of students in this country is satisfactory?

A "Satisfactory" is obviously a term that depends on what you mean by that and what is expected and so on. Just like the setting of standards are arbitrary and they vary for one student and one person.

Is it in pretty good shape and better shape than in the past? The answer to that is "Yes."

Q Is it sufficiently good that we don't need to do

much to improve it?

A I don't know of a single profession or single social endeavor where we don't need to improve.

Q But you did try to create the impression that it was not all that bad?

A I sure would like to create the impression that it's not all as bad as the media tends to paint the picture. Indeed, it is a quite a bit better than the media paints the picture.

Q But still worse than it should be?

A All professions and all segments of society can certainly improve, and education can, too.

Q So the answer to that question is "Yes"?

A Yes, it is.

Q Thank you. Now, you were commenting that many experts believe that skills cannot be taught in isolation. I assume from that that some do.

A There are those who believe that skills can be taught in isolation. Most of those want to immediately apply them in a meaningful context, however, not assess them in isolation. I don't think I can cite for you a single reading specialist who would not believe that the end goal of reading is the application of what is read to some human endeavor.

Q Right. Would you believe, though, attempting to

isolate precursor skills, that a student could read a complex paragraph but who could not identify the meaning of words?

A You used "identify the meaning of words" as a precursor skill. And obviously, the "meaning of words" is a comprehension skill and not the kind of isolated word-recognition skill I talked about a moment ago or the isolated literal comprehension skill. I am talking about the kinds of skills that I have seen on minimum competency testing, the matching of letters with sounds. And we know many youngsters who cannot match medial diphthongs, sounds and letters, and yet read exceptionally well beyond seventh-grade levels.

Q I know many youngsters who do not even know a medial diphthong. If you were thinking about the kinds of tests that you see, minimum competency tests, in which there was an attempt to capture a student's ability to comprehend the central idea in a fairly extensive reading passage, would that seem more acceptable to you?

A The kinds of tests, if you put it in that frame of reference -- and I would never accept a single test score for making such a decision -- multiple indices, such a test as part of a set of multiple indices, would certainly be acceptable to me.

MR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Further questions?

Our next witness is Dr. Melvin Hall, assistant professor, Department of Psychology, Sangomon State University.

TESTIMONY OF MEL HALL

ASSISTANT PROFESSOR, DEPARTMENT OF PSYCHOLOGY

SANGOMON STATE UNIVERSITY, SPRINGFIELD, ILLINOIS

DIRECT EXAMINATION

BY MS. PULLIN:

Q Dr. Hall, were you the participant in a study of student evaluation and minimum competency testing in Illinois which was conducted for the Illinois State Department of Education?

A Yes, I was.

Q And could you describe for us briefly what the purpose of that study was?

A When the Illinois Legislature was considering minimal competency legislation, the Illinois State Board of Education sought to provide background information on current student evaluation practices in Illinois districts. So the state Board of Education staff selected a number of districts which would be involved in case visitation.

Q Could you describe the methodology you employed in conducting your study?

A Once the state Board of Education staff had

decided what districts would be visited, a team of three researchers were pulled together, of which I was one of the three, and a two to three-day site visit occurred to each district. During the site visit we interviewed superintendents, testing directors, building principals, parents, teachers; and the people that we saw in each district were selected by the district superintendent or district staff.

Q Could you name for us some of the sites you visited in Illiois? I assume that many of those names are names that would be familiar to our audience.

A Well, we visited a selection of sites, but under the original agreement of the research, we were attempting not to protect completely the anonymity of the districts but not to identify specific districts. So it would be fair to say that we visited ten districts which ranged in size. Some were unit districts, some were elementary districts, and they were both rural and urban, in varying parts of the state.

And in the case study we included ten districts which had extensive two to three-day site visits, and another nine districts which had shorter one-day visitations. But they do range in size and makeup around the state.

Q And you, I take it, encountered within that sample

of districts a number of districts which did use some form of minimum competency testing or what they would call minimum competency testing; is that right?

A Yes. The staff purposely selected sample districts which had consciously decided to use a minimum competency type of student evaluation system, and another set of districts which had consciously chosen not to or who, at least, were in the process of making a decision on the minimum competency issue.

Q Is it safe to presume that those uses of minimum competency testing varied from district to district?

A Yes. We found a wide range of practices, we found a wide range of expectations, and also a wide range of implementation procedures.

Q Did you find districts that used minimum competency testing for diagnostic purposes?

A We found districts which had as a part of the basis of their minimum competency program the diagnosis or a diagnostic use in terms of students. We did also find that when we interviewed teachers and principals about the diagnostic use of minimum competency tests, we found that, in reality, the tests contained two few items. In most instances they contained too few items on a particular competency to allow a teacher to actually make a diagnosis or prescribe a program of remediation.

Q So the teachers were telling you there just weren't enough questions that the student had been asked in order for them to reach a conclusion about what the student's educational strengths or deficiencies were?

A Yes, or that they would be able to directly prescribe from the information provided by the minimum competency test exactly what the student needed to do in order to pass the competency.

Q Did you also find districts which use minimum competency testing to determine promotion or retention in grade?

A Yes. We encountered a number of districts who were in the process of establishing or implementing their minimum competency programs. Some were in the developmental stage. We did visit districts, one in particular, that had tied the minimum competency examination to the high school diploma awarding.

Q Among the districts you studied in your survey, did you find attempts to use minimum competency test results linked to remedial programs?

A Yes. In one case in particular there was a district which used the failing of a minimum competency exam to require students to take a refresher course. If the student failed the minimum competency exam the first time, they had an option as to whether to enroll in the refresher

course. But on the second administration of the test, which normally would have been in the senior year, the student was required to enroll in the refresher course.

Q Did you find much variety in the type or nature of remedial programs offered in the districts?

A Again, referring to the district I have just mentioned, there was a great hesitancy on the part of at least some of the teachers we interviewed because -- while both the tests and the refresher materials had been hastily developed -- there had been some conscientious debugging of the test. Whereas the refresher materials were generally prepared just in time for implementation.

So there was some concern, at least in that district, about the amount of preparation reflected in the refresher material. There were other districts which were much more developed, and while the one particular district I am thinking of did not have in place a system, they had at least explored the possibility of extensive computer-assisted refresher materials which would be available to students at study halls and, in fact, in the corridors through the use of Plato terminals.

So there was a wide variety in the way districts were attacking the development of refresher materials.

Q It would seem to me, and I am just a lay person, but it would seem to me that the use of computerized

instruction would be a very sophisticated and probably highly successful method for remediating educational needs. Did you find that to be the case in that district?

A Unfortunately, the system was just being implemented, so it was too early to have definitive data as to whether it was more effective or less effective; but at the time we visited the district, it was implemented to the point where they were hopeful that they would have a good tracking system, that they would be able to identify how many students at a particular building had not passed the exam and which exam they had not passed, and how many times the student had used the machine for remediation purposes.

So while they were not yet in a position to look at the outcome or the effectiveness of the computer-assisted instruction, they were in a position to begin to say how much utilization there had been.

Q I would say that -- Would it be safe to conclude that that doesn't necessarily mean that students were in fact being provided an opportunity for increasing their skills?

MR. ALLEYNE: I want to caution counsel to avoid leading questions on direct examination.

HEARING OFFICER JORDAN: Are you making an objection?

MR. ALLEYNE: This is a formal objection to a

competencies they had failed, but that did not necessarily put the teacher in a position of explaining why they had been judged incompetent on a particular competency.

Q Did you have an opportunity to observe the methodology employed in constructing the test used or to make some conclusions about the methodology used in constructing the actual tests themselves?

A Again, we found a wide range, as one might expect. We found some things which, at least in the report we indicated were disturbing. We found one case where teachers were given, three teams of teachers were given two weeks summer pay to write a test.

Q In other words, they wrote a whole test in two weeks?

A Yes. They generated the items for three minimum competency tests with two weeks of summer pay. We went from that extreme to the other extreme where a wealthier district employed an outside consulting firm to develop the minimum competency type examination, and that test was submitted to extensive validation studies, an IMN analysis and so forth.

Q Did you have opportunities in your interview to ask any questions of school people about their motivations for adopting minimum competency testing programs?

A Yes.

Q What kinds of things did they tell you?

A Probably some of the more striking examples would be a district which was undergoing a rapid racial change. The district in nine years went from an 8 percent minority population to a roughly 65 percent minority population. And in that district both district staff and parents indicated that the minimum competency exam was attractive because it would guard the academic standards of the district.

Q Against an onslaught of increasing numbers of black students?

A Yes, of minority students.

Q I see.

Did you also have an opportunity to question something that has been discussed here very widely, and that is the extent to which minimum competency testing resulted from a public demand for improved educational services?

A Yes. In practically every district we attended which had a minimum competency program, there was some reference made to community demand, demand from business, demand from employers, and in each case we asked for examples of that demand. In none of the cases was there really a well-formulated or systematic response from the community.

There were attempts initiated by the district in some cases to ascertain by survey community interest, but generally the information we got was anecdotal. For

example, in one district several people, at least three, indicated that one of the reasons for the minimum competency exam was the owner of a local fruit market did not trust high school graduates to make change until he had supervised their making change.

Q Are you saying that that was offered as the only example of a reason why minimum competency testing ought to be implemented?

A In that district I would estimate that at least 80 percent of the time that we asked the question what is the basis of the minimum competency exam, we received the same anecdote as the explanation.

Q Okay. You indicated earlier that there were articulated racial motivations in some districts for the initiation of minimum competency testing programs. That is a pretty troublesome kind of statement. Did you have any other kind of documentation for that reasoning behind minimum competency testing?

A There is a more recent study that I am aware of where Dr. Thomas Kearns looked at several variables that might be used to describe a local district and attempted to establish which of those variables would be a best predictor or indicator that a district might be inclined to have a minimum competency test program.

Q And what did that research indicate was the most

potent variable in predicting whether or not a local school district would use minimum competency testing to make those kinds of decisions?

A It was a variable that he called impact, a racial impact.

MR. ALLEYNE: Excuse me, Professor Jordan. I am not sure that the document that the witness is referring to is one that we have been provided with. We are just not sure, and perhaps we could get it clarified.

DR. MADAUS: I sent that as part of Mr. Kearns' dissertation to you.

MS. PULLIN: I have no further questions for the witness.

HEARING OFFICER JORDAN: Cross examine by Dr. Popham.

CROSS EXAMINATION

BY DR. POPHAM:

Q Dr. Hall, we heard from a previous witness who was a former state superintendent of schools in Illinois who was on record as opposing minimum competency testing, and I inferred from that that probably the amount of support emanating from Springfield has not been great for minimum competency testing in Illinois. Was that your perception when you went out to do these interviews?

A No, it was not. In fact, the team made an

official determination based upon the charge we were given by the state board staff that we were to broaden our investigation to beyond minimum competency and deal with student evaluation in general, so that it was neither "pro" or "ne" minimum competency, and in fact there was an obvious effort to make it even-handed and explore the larger picture, even to the point of looking at how minimum competency fit into larger or broader student evaluation.

Q I am trying to get at the matter of what kind of resources -- I mean you have described some situations that don't sound all that good. What I'm trying to get at is that you had the feeling that in Illinois substantial resources had been devoted by the state Department to nurturing the minimum competency testing program. And I would infer that that has not been the case, that these districts are pretty much doing it alone. Is that right?

A At the time our study was commissioned, I am not able to speak directly to what proportion of resources or exactly how much guidance was being offered by the state board, but I do know that the study I was a part of was part of a ten-part policy study, and the purpose of the study was to provide information to both local districts and to the legislature.

Q But did you get the feeling that the state Department of Education was actively nurturing minimum

competency testing in those districts where you visited?

A The state board at that time was under the direction of a house or legislative bill to provide information to local districts on minimum competency, and as part of that whole initiative this policy study was just one part.

Q Very well.

Are you in general positive or negative regarding minimum competency testing?

A In terms of the findings of the districts and the minimum competency programs I have observed, I have not found enough evidence that minimum competency programs are adding significantly to the student evaluation practices that already existed to warrant their use.

Q That was an eloquent answer, but does that mean negative?

A You could generally surmise that I am against minimum competency testing. Primarily because for most of the billing or the proposed uses of minimum compentency testing, it is not generally necessary to use individual cutoff scores for purposes of curriculum evaluation, curriculum modification and so forth. You do not often need to use individual test scores.

Q Dr. Hall, would you agree that case studies as a methodology are particularly susceptible to the biases of

the study analysts themselves?

A Case study methodology or case study researchers, as any researcher, are vulnerable to having their preconceived notions determine important decisions that they make in their research. At the point that any methodologist decides to go from one step of their methodological activity to another, they make subjective judgments that it is appropriate to move on and what they should do next.

Q Isn't the case study method particularly susceptible since so many of the data which are recorded are in fact derived from the perception of the case analyst? Particularly susceptible. I am not suggesting that others aren't.

Q I would respond by saying in the particular example I am referring to, the report contains direct quotes from witnesses in the field, and the conclusions are, of course, the result of the team's reflection of those statements. But in every case, all but the final section of those reports were direct quotes or results of looking at documents in the district, and in fact they were sent back to each district for the district staff to verify that they were reasonably accurate before they were ever published.

Q I am not questioning the accuracy. I am just trying to get you to answer the question as to whether or not case studies are particularly susceptible to case study

invetigator bias.

A In my professional opinion, there are different kinds, qualitatively different kinds of biases that a case study researcher may be subjected to, but that varies and is different for different methodologists.

Q Let me read you a quotation from your report, which of course was the basis of much of your testimony. Page 6: "Some degree of caution is required in interpreting the findings of site visit teams and the relationship of these findings to a picture of statewide student evaluation. Student evaluation in the school districts of Illinois presents an extremely complex picture of hybrid and distinctive systems.

"While the observations are accurate for each site and while general and specific conclusions can be drawn relative to minimum competency testing and student evaluation systems, the observations are not suitable to be generalized to all districts of the state. As essential similarities of target case history cases of interest are observed, the target becomes a basis for a natural generalization. No prediction is intended nor should be inferred from data and analysis reported here."

Is that an accurate quotation from your study?

A I believe, yes.

DR. POPHAM: Thank you very much.

MS. PULLIN: I have one question.

REDIRECT EXAMINATION

BY MS. PULLIN:

Q Did you not in your report include, particularly from controversial sites, separate sections, one section written as if it were recounting the arguments by advocates for a program and another section by persons who had a more adversarial approach to the program?

A Yes, we certainly did.

DR. POPHAM: Thank you.

HEARING OFFICER JORDAN: Thank you very much. We appreciate your testimony.

The next witness is Mrs. Patricia Shea, a parent from Peoria, Illinois.

TESTIMONY OF MRS. PATRICIA SHEA

PARENT, PEORIA, ILLINOIS

DIRECT EXAMINATION

BY MS. PULLIN:

Q Mrs. Shea, Professor Jordan has already indicated you are a parent. Could you tell us the extent to which you are a parent?

A Yes. My son Donald was in special education.

Q How many children do you have?

A I have seven.

Q Let's talk about Donald.

A All right. He is the second youngest of the children, and he has been in special ed all the way through, ever since first grade.

Q Let's talk about the kind of school career Donald had up until the end of the high school years. He progressed through school, and I suspect that you had some indication about whether he was trying and how well he did.

A Yes.

Q What did you know about Donald's success?

A Well, Don is a person that will never give up. He keeps trying. He works very, very hard. He has been an A and B student all through school in special ed. In grade school when he gets through with his work his teachers would let him help other children, which raised his self-esteem greatly.

Q Do you know why Don was placed in special education programs?

A Don has a learning disability. It is hard for him to learn. You explain more in detail to him than you do to the average person. He does grasp everything but it just takes a little bit longer.

Q But somehow in spite of his learning disability Don was able to proceed through school with A and B grades?

A Right.

Q And did Don complete an individualized education

program?

A Yes, he did.

Q All right. Does Don go to school in the Peoria school district or did he?

A He did, yes.

Q And as a result of attending school in the Peoria School District, was he required to pass a minimum competency test to get his diploma?

A Yes, he was.

Q Did Don take that test?

A Yes, he did.

Q Did he take it more than once?

A He took it five times.

Q Do you really think that Don tried on that test?

A I know he tried.

Q Why do you know that?

A Well, the fourth time he took the test he prepared for two weeks prior to this over Christmas vacation, and when he took that test he finished the complete test and rechecked every answer and was so sure he had passed, and then when the result came back that he did not pass it, he was actually crushed. He did take it one more time, but I refused to let him put in the effort that he did on that fourth time.

Q So you would say that Don made a conscientious and

well-studied attempt to pass that exam?

A Very definitely.

Q Would you say that Don's teachers attempted to prepare him to pass that examination?

A Yes, they very definitely did. Almost his whole senior year was strictly geared to passing that test.

Q Yet despite that and despite the many opportunities, he still failed.

A Right.

Q As a result of that test failure, was Don denied his high school diploma?

A Yes, he was. He did not get his diploma.

Q What happened to him after that?

A After that, Don joined the National Guard and he took all the tests for the Army, the scholastic tests and the mental tests, everything that they give.

Q How well did he do on those tests?

A Well, he did well enough that he is qualified for any state college in Illinois that he would like to go to. He has been in the National Guard almost a year now, and when he is in a year, he can go to any college he would like.

Q What else has Don done since he got out of high school without his diploma?

A Okay. After he finished his basic training in the National Guard, he was home a month and was looking for

work, and so he decided to buy a business, and he has a business of his own that is very successful right now.

Q Don is making a good deal of money?

A Yes, he is.

Q He probably makes more than I do.

A He probably does.

Q How does Don get along in day-to-day life?

A Don is exceptional. He has an excellent personality. He has no enemies that I am aware of. He just has a personality that everyone loves him. He is outstanding. He will do things for people that the average person wouldn't do.

Q He is a nice guy?

A Yes, he is.

Q But I'm not worried whether he is a nice guy. Can he get along in the world?

A Oh, he can get along great.

Q Does he do things like fill out an income tax form?

A Don does his own income tax.

Q Do all of your children do their own income tax?

A No, he is the only one.

Q Has he ever had his income tax form sent back because of mistakes?

A No.

Q Did the state Department of Education in Illinois

recently enter an order against the Peoria School District requiring them to award diplomas to handicapped students who have failed the test?

A Yes, they did.

Q Mrs. Shea, what is your opinion as a parent about this whole test for diploma scheme?

A I am very definitely opposed to it for the simple reason that my definition of minimum competency is exactly what Don learned. Don was taught how to shop, how to comparison shop, he was taught how to figure interest, he was taught how to do his income tax, how to invest money, how to be a hard worker. He filled out hundreds of job applications. He has just had the individual training that I wish all my other children could have had.

Q I take it all your other children have high school diplomas?

A They all have high school diplomas and they had regular division teachers, but the special ed teachers are out of this world. They are outstanding in their teaching of these children, and I see where it has no bearing, this test, on how a child does in life. It depends on their determination, their desire to get ahead, and their willingness to want to set goals and to get somewhere in life. This is for anyone. It's not just my son. It's for any person.

Q Regardless?

A Regardless.

MS. PULLIN: I have no more questions. Thank you.

HEARING OFFICER JORDAN: Dr. Popham?

DR. POPHAM: Professor Jordan, the Pro Team has no quarrel with differential standards for youngsters with diagnosed learning disabilities. We are immensely happy for Donald and we have no questions.

HEARING OFFICER JORDAN: Thank you. You are excused.

The next witness is Miss Kathleen Gilbert, a teacher, Hope Valley Elementary School, board member, Atlantic Center for Research in Education, Hope Valley Elementary School, Durham, North Carolina.

TESTIMONY OF KATHLEEN B. GILBERT
TEACHER, HOPE VALLEY ELEMENTARY SCHOOL
DURHAM, NORTH CAROLINA
BOARD MEMBER, ATLANTIC CENTER FOR RESEARCH IN EDUCATION
HOPE VALLEY ELEMENTARY SCHOOL
DURHAM, NORTH CAROLINA

DIRECT EXAMINATION

BY DR. MADAUS:

Q Would you briefly describe your background and education for us?

A Yes. I am a fourth grade teacher in a public

school in Durham, North Carolina, where I have taught for seven years, and I am a member of the Atlantic Center for Research in Education there.

Q Is there a commercially available non-reference test mandated in the state of North Carolina?

A Yes. The state legislature mandates its use in the spring of the third, sixth and ninth grade, and right now they are voting this week on extending that use to the first and second grades.

Q How do they use it?

A Well, the purpose of the legislation was to assess the educational program and to help school teachers and local school systems identify student's needs in the basic skills. That's how it was supposed to be used.

Q So to provide information to the community and help teachers make group evaluations.

A Yes.

Q Are you opposed to that use of tests?

A No, not at all. It could be helpful.

Q Are some districts using that same test, some districts in North Carolina using that same test to make decisions about an individual's promotability from one grade to another?

A Yes. This appears to be a growing trend. Several school systems, including the state's largest school system,

Charlotte-Mecklenburg, use the test for retention decisions.

Q How do they use the test? How does the test become the mechanism for retention decisions?

A Children who score in the bottom 25th percentile are targetted for retention. If the classroom teacher feels that this score does not reflect the child's progress in class or if the child attends summer school, he or she can take an alternate form of the same test. However, if the score on this test is below the 25th percentile, the child is automatically retained regardless of any other criteria.

Q Regardless of what the teachers say or anything else?

A Yes.

Q Have you talked to any other teachers about this practice of using this particular test that way?

A Yes, I have.

Q What are their concerns?

A Well, a significant concern is that when at test is this important, the curriculum can be determined by that test and the curriculum can become teaching for that test. I know teachers who have planned vocabulary and math programs after copying the vocabulary and math items on the particular achievement tests.

Then recently when colleagues of mine met to adopt a math textbook series to be used for the next five yeals,

and the mother was distraught because she had not been aware that the child was having any problems at all in school. So she took the child to a university professor for a private evaluation.

The child returned from this evaluation saying that the test was not bad and she had been taught she wasn't supposed to worry if she didn't know the answer to every item. Interestingly, this child, whose scores on the first test ranged from the 7th through the 40th percentile, scored in the 65th percentile on the second test. And although a number of variables could be responsible for that, I think it is clear the danger of relying on a single test score to determine retention.

Q So in this instance, if this particular parent had not had the money to go and have that independent testing done, that child might have been retained?

A Yes.

Q Have scores gone up on this particular test?

A Yes, they have.

Q Do you think that the pupils are any better in terms of their skills?

A No, I don't think so. I think teachers have known for some time that coaching can work, and I don't think that is necessarily an indicator of improved skills.

Q Do you think you need this kind of test to

identify disabled reading people, children who are disabled readers or who have problems in reading?

A Not really. One problem is the test is administered in the spring, and after several weeks of school it is clear to the teacher who is having difficulties. At this point the teacher can refer the child to specialists who can diagnose these difficulties and recommend appropriate ways to remediate them.

This process pinpoints individual weaknesses with much more precision than a group-administered standardized test can.

Q Do you think pupils should be promoted if they don't have basic skills?

A No, of course not.

Q How should the decisions for promotion be made?

A Allowing a test to make the decision for us I think is a copout. Instead, as educators we need to accept full responsibility for these difficult decisions. A team consisting of the classroom teacher, a principal, special teachers and parents must examine all available criteria in assessing a child's development. We must look at teacher observations, a child's academic, physical, social and emotional growth, a child's performance on classroom tests and criterion reference tests as well as the child's performance on norm reference tests to fairly evaluate any

child.

Q So you would use tests and a lot of other data?

A Certainly. I use tests every day as one indicator of a child's performance.

Q But the decision ultimately is yours and others working on the team together.

A Yes, it is. And if someone disagrees with my decision, I would call in special teachers, principals or parents. I welcome other people to participate in the decision-making.

DR. MADAUS: Thank you very much.

HEARING OFFICER JORDAN: Questions?

CROSS EXAMINATION

BY DR. POPHAM:

Q Miss Gilbert, you have been particularly critical of a commercially published norm-reference standardized achievement test. Is that correct?

A I don't mean to be particularly critical of that particular test. I have no problem with the test itself. My problem is using it as the only criterion evaluating a child.

Q You were particularly critical, however, of norm reference achievement tests and using those as a single criterion, right?

A I feel that a criterion reference test could be

better, but as I said, that's not my concern. My concern is using it as the sole criterion no matter what test you use.

Q Are you aware of any laws which require norm reference tests to be used as the test in minimum competency testing programs?

A No.

DR. POPHAM: Thank you.

HEARING OFFICER JORDAN: No further questions. You are excused. Thank you.

The next witness is Mrs. Claire Sullivan, Educational Consultant, Former Assistant Superintendent, Pinellas County, Florida; President, Florida Association for Supervision and Curriculum Development

TESTIMONY OF MRS. CLAIRE SULLIVAN
EDUCATIONAL CONSULTANT
FORMER ASSISTANT SUPERINTENDENT, PINELLAS COUNTY, FLORIDA
PRESIDENT, FLORIDA ASSOCIATION FOR SUPERVISION AND CURRICULUM DEVELOPMENT

DIRECT EXAMINATION

BY MS. PULLIN:

Q Could you indicate for us what your title and position were at the time of the implementation of the minimum competency testing in Florida that we have heard so much about today?

A I was Assistant Superintendent for Secondary

Education in Pinellas County.

Q What did that mean? What was your responsibility?

A I was directly responsible for the educational program implementation and development in the county, which is a county of 96,000 students. We had 13 high schools. They ranged in size from about 1800 students to about 3000 students, and I was responsible to 22 middle schools that had about 32,000 students.

Q Did you have any responsibility vis-a-vis the minimum competency testing?

A I was completely responsible for the development and implementation of the remediation program, of preparing teachers, of informing principals, of conducting workshops. I mean directly responsible. I stood in front of the principals and had to explain exactly what the state was trying to do and what the legislative group had mandated.

Q Did you also get out and into the schools and observe how minimum competency testing was impacting these schools?

A Yes. I was responsible to go out into the schools, work with teachers and directly report to the board in a workshop we had prepared with my supervisors, teachers, students, et cetera.

Q How did you react to the implementation of this new educational strategy?

A I have to tell you a little bit about my background to tell you my reaction. I am by training an educational planner. I have never been a school-based principal. I came to the county at the request of the superintendent because of my background in development education.

I have also been a consultant in Finland for a year and a consultant in West Berlin, Germany for a year, and taught and worked in Japan. So I had a background in perceiving and analyzing education beyond just what the American system was like.

And as I reviewed and began to look at the implications of implementing what the Florida legislative group had done, I think my educational planning background came out and said, look, let's start looking at the consequences of this kind of program; let's go beyond just whether the testing is good or not good and look at the socioeconomic and political implications, and they have been alluded to quite frequently during the other testimony.

So what occurred as I was held responsible for carrying this out, I began to say we have some very heavy implications through this state program, and as an educational planner I was not sure that we had asked some of the significant questions before trying to carry this out.

Q Let's talk about those a little bit. First let's

look at the impact on the curriculum, and when I ask you this question, let me ask if you are going to be responding on the basis of what you saw in Pinellas County or whether you are also responding on the basis of information you have gathered as a result of your office in the Association for Curriculum.

A All of my responses will be partly based on my specific experience but they also are based on much larger discussions than that limited experience.

Q In your professional association?

A Yes.

I would like to start with defining curriculum beyond just a program. I am to also look at instruction. I would like to start with the impact on the students themselves as you talk about a student failing a part of the program, a part of the assessment and then being asked to go into remediation class.

We found in many situations that we took students at the senior high level where we really became concerned. We took students out of programs, often vocational programs, and put them in some of the remediation programs, at a detriment to their whole educational experience.

Q Why was that detrimental? I assume they were put in the remediation programs because it was felt they could not do things.

A In many cases we found they were functioning quite well in some of the vocational situations. I think we really need to discuss much more fully whether these "basic skills" are really tied in an absolute sense to the ability to function, to fix an automobile, to be a carpenter, to work in a program with plumbing. I'm not sure we have really done enough studying to say that a student cannot function in a vocational program if they cannot pass the basic skills test.

So one of the problems was the fairly drastic change in some of these students programs.

Q What kinds of changes did you see?

A Certainly in terms of the atmosphere, the program emphasis within the schools, and I think we are beginning to discover, for example, social studies is suffering because we have talked about reading, writing and arithmetic. If you look at class sizes that social studies teachers are allowed to have in comparison to some of the remedial classes, certainly the learning situation is less than desirable. We have skewed many of our senior high experiences, and that is a concern at that level.

We also are beginning to become very clear that some of the programs themselves, for example, literature, there was a survey done in the state of Florida among supervisors of language arts on the impact of the competency

test.

Q What was the impact on the language arts or literature studies?

A Definite decline in the literature requirements, the literature experience, a decline in the oral competency experience, and if one is going to discuss assessment programs and their impact on such things as SATs, I think one really has to raise some serious questions whether by reducing literature opportunities for some of our stronger students, are we really helping the SAT potential or are we possibly in the long run going to affect it.

The language arts teachers are very concerned. The saw literature as the application of reading, and many students were being encouraged to continue the reading process, which is not content, and where these students were really ready to participate in a good literature course.

So I think we have evidence in terms of program skewing.

Q What kind of impacts did you see on perhaps what we could call the stronger students, the students who seemed to be more capable in the curriculum?

A Number one, they went around bragging that they passed the test. I think that is very serious.

Q Why?

A Because it is the first step of saying "I have

accomplished what I am expected to accomplish." They are not willing to acknowledge that that might be far beneath the ultimate goals that they should be striving for. Secondly, in many situations elective programs had been reduced. This is part of the whole supposedly back to basics.

For the stronger student, the reduction of valid electives -- I'm not talking about ice cream making or basket weaving. I think we have confused the issue. We are talking about very valid elective programs.

Q You are saying that those valid elective program offerings were being reduced as a result of the minimum competency tests?

A Yes.

Q Let me ask you now whether there was an impact to the minimum competency testing program, and particularly the use of the minimum competency testing program to make critical decisions about students on school dropouts.

A That was the area that really got me started enough to write a dissertation on the whole high school diploma issue. One of the things that concerned me in terms of the crucial analysis that should have been done before we really implemented it was how was this going to impact the borderline student, was this going to be a pushout in terms of some of the students who were staying in school because

the diploma was something that promised some kind of economic mobility?

One really had to reflect on the whole current concern of keeping students in school for the 12 years, Jesse Jackson's concern for Operation PUSH, to finish high school and you will make it.

So in two different situations I turned to look at the dropout data, number one when I was doing my second chapter in my dissertation, and I found some very startling evidence. I looked at the dropout data of the year 1976 and '77, which was just prior to the implementation. In the state of Florida there had been a decline in the number of dropouts.

Q This was before minimum competency testing was implemented to make critical decisions about students? In the year immediately prior to the initiation of that program, the dropout rate was down?

A That's right, it was down. The very next year, which would have been the first year the program was implemented and the students walked around thinking they were going to be denied the diploma, et cetera, the whole diploma issue started. That was 1977-78. There were 14,000 more dropouts in the state of Florida.

Q I see.

It would seem logical to conclude, then, that

perhaps some students just never bothered to show up to take the test the second time after they learned they had failed it the first time. Did you have any indication of that?

A I had indication in a very informal sense because the state did not really do a direct follow-up. But in sitting and working with the director of testing in a particular county, when we were looking at the number of students who would have taken the test again in the 12th grade in '78, I found that about 600 students had sort of disappeared. They had not appeared for the retaking.

And in looking at the number of new students that had to take it, it was about 600 to 700 students.

Q I see.

Are there any other indications that you have come upon in your work in education in the state of Florida that minimum competency testing is not really giving us the information it purports to be giving us and is providing us with a false sense of confidence that things are improving in Florida?

A I was very intrigued with the discussion of the multiple choice test versus a production type of test. I have some data on that -- Florida did a production writing assessment on a random sampling of students.

Q What do you mean by production writing?

A Where the student actually had to fill out forms,

actually had to write a business letter, the type of test, writing assessment, that we would like to have but certainly in terms of mechanics it is very difficult to carry out. The state of Florida, to its credit . . .

Q 'Difficult to carry out why, because it's expensive or time consuming?

A Expensive and time consuming when you talk about a system like Pinellas County where you might have 8,000 or 9,000 students. The whole question of how you assess the writing skills in the most efficient, cost-effective and manageable way.

Q But somehow they had developed a writing skills assessment test that required students to really write things.

A That's right.

Q What were the results of that?

A They did that on a random sampling. The results are extremely interesting and really raise some questions on the quality question and the truth in testing question. One item that stood out clearly was the one on filling out forms. In the state assessment, part 2, the minimum competency, the funky lit, whatever they call it, the multiple choice test, about 98 percent of the students were able to do that, to fulfill that skill.

Q They could answer those questions?

A They could answer those questions. Ninety-eight percent met that requirement.

Q What did you find, though, when you looked at the numbers of students who could actually do that kind of writing?

A Twenty-nine percent.

MS. PULLIN: Thank you. I have no more questions.

CROSS EXAMINATION

BY DR. POPHAM:

Q Professor Alleyne has pointed out an interesting fact unobserved by most. Are you aware, Mrs. Sullivan, that you followed a witness named Gilbert?

A Yes. As it was pointed out to me. Yes, it was pointed out. D you want a little Pirates of Pinzance or something?

Q We did not have an opportunity to review the last study that you cited, so we don't wish to comment on that, but we would like to focus our attention on the dissertation, I guess, which you have used to draw the conclusion that the minimum competency testing program in Florida was a cause of increased dropouts. Has the dissertation been approved yet?

A It's in the process of being approved. I would like to correct something. I did not state it as an absolute. My whole dissertation and the whole response that

I have raised here is that these are crucial educational planning questions that should have been raised prior to the implementation of the imposing of the diploma mandate. That is what I am focusing on.

And I used data, much to my concern, that had to be inferred from several situations, because the state had not, in its testing program, seen fit to collect data on the possibility of a pushout. Certainly that is raised by many people who are concerned about the high school diploma and the significance put on the minimum competency tests.

Q Don't you go further than just suggesting a possibility? The implication of some of the language in your dissertation, which I assumed might be a report, it talks about a possible indication of student reaction to external achievement examinations, the high attrition rate, therefore, is a reflection of that.

There is language peppered through there that, didn't you apply that just a few minutes ago when you were describing the year when the minimum competency test was installed with graduation requirements, 14,000 more students dropped out? Isn't that the implication?

A Yes.

Q What about the year before that and the year before that? Let's go back one year and you said that in effect there were, in 1977-78, the year of your concern

55,000 dropouts and one year before that 14,000 fewer -- 41,000 dropouts. But the year before that there were 50,000 dropouts and the year before that only 31,000 dropouts. In other words, 19,000 dropouts occurred more two years ago, and yet you are going to suggest the fact that the minimum competency test caused that attrition?

A You got 50,000 two years prior?

Q 50,000. In your dissertation you carefully avoid 1975, '76 and '74, '75.

A The data were not available.

Q The data were not available from the State Department of Education on dropout data?

A Let's look at the following year.

Q Wait. I would like a response.

A No, I did not have the data.

Q You did not have the data or they were not available?

A I did not have the data.

Q You spend a good deal of time in your dissertation talking about Dade County and the fact that Dade County dropout rates increase right after the competency test was installed as a diploma requirement.

One infers, therefore, that you think that the existence of the minimum competency test caused the increased in dropouts in Dade County?

A Yes. One can raise a concern about that.

Q Since in three other counties in the state, in the same period, the dropout rates declined, can we also assume that the minimum competency test is the cause of that reduction and attrition?

A I think one would have to, and this is again going back to the educational planners' responsibility. One would have to look at how the programs are carried out. In one county they had had that kind of assessment prior to the state assessment, so that there might have been a phenomenon occurring prior to even the implementation of the state assessment.

Q But, Mrs. Sullivan, doesn't it worry you, fundamentally, with issues of this significant import, to take gross summary statistics of the kind you have and at least create an impression that an important event, namely the minimum competency testing program in Florida, caused that increase in dropouts when so many factors -- increased immigration, the move of youngsters from the cities to the private schools, even the Florida dropout data are reported in attrition rates, not in dropouts technically -- it is a very confusing picture and yet you have chosen, as I can infer, to create the image that this was a cause of increased dropouts in Florida. Isn't that a little risky?

A Okay, not on two grounds. One because I think,

and I am not going to focus on Florida, but I think nationally we have not raised that issue significantly enough. That is, are we going to push students out who we have worked very hard to keep in because, as it was pointed out, historically the numbers that are staying in our high schools post-World War II are far higher. And I feel that nationally we have not raised the issue. Is this going to go back again to pushing out some of the students?

I also feel very comfortable with raising it, as I did in my disseration, which was a policy analysis, because of the fact that Florida did not, in setting up its procedures, deliberately gather data on the student who does not appear again for the test, did not set up procedures to gather good data, not data that you would have to conjecture on.

Q Isn't it a little difficult to fault a state for not gathering all the useful data that we want? This is an area of limited resources.

A Not in a state that has spent a tremendous amount of money on auditing counties in terms of how they are carrying out some of these things.

Q The data are at least available from the state regarding summary statistics and I submit that if you inspect them carefully you cannot reach the conclusion that you reach in your disssertation. I hope your dissertation

committee does not inspect them carefully.

Thank you.

HEARING OFFICER JORDAN: Further questioning?

MR. HANEY: One question on redirect.

REDIRECT EXAMINATION

BY MR. HANEY:

Q Dr. Popham has clearly raised an important issue, whether in a situation like this, raising a terribly important policy question concerning the possibility that minimum competency testing is connected to a high school diploma may increase dropouts from high school.

Would you also think that this might be a question that would be raised by people who are now only beginning to implement high school graduation competency tests might ask of themselves?

A That's the whole point of the dissertation and I think Dr. Popham is pulling that section out of context a little bit without fully looking at the first chapter, et cetera. That is exactly the function there.

The other aspect of the willingness to make some of these assumptions is that I was so involved and it is not always the quantitative data that sets you to some of the assumptions, but some of the very firsthand experiences where you can make some of these conjectures, where you are in a county of that size and begin to observe them firsthand.

MR. HANEY: Thank you.

HEARING OFFICER JORDAN: Thank you very much. Thank you.

Our last witness, Mr. John Myrick, Counsellor, Winter Haven High School, Florida, President of Florida Teaching Profession, National Education Association.

TESTIMONY OF JOHN MYRICK, COUNSELOR,
WINTER HAVEN HIGH SCHOOL (FLORIDA)
PRESIDENT, FLORIDA TEACHING PROFESSION
NATIONAL EDUCATION ASSOCIATION

DIRECT EXAMINATION

BY MS. PULLIN:

Q Mr. Myrick, could you please indicate your professional background?

A I am a counselor at North East Junior High School in Winter Haven and for the last twenty years I have been a teacher in the secondary schools in Polk County, Florida. I have taught every level from seventh grade to twelfth grade and presently I am on leave of absence from my teaching position as President of the Florida Teaching Profession, National Education Association.

Q What is the Florida Teaching Profession, National Education Association?

A The FTP/NEA is the largest teachers organization in the state of Florida. We have about 34,000 members and

represent over half of Florida's teachers in the collective bargaining arena. We are into curriculum development, legislative guidance, sometimes called lobbying, collective bargaining, instructional and professional development. In fact, anything that teachers feel their professional organizations should be doing for them. We are the state affiliate of NEA.

Q In Commissioner Turlington's testimony this morning he indicated that there was no major group in the state of Florida -- I don't think he even said "major group". He said there's no group in the state of Florida that opposed his testing program.

Did you hear that statement?

A Yes, I did.

Q What was your reaction to that statement?

A Well, it's no secret in Florida that the Commissioner and I and the teachers of Florida are all moving toward the same goal -- educational excellence. There has been some question about if we are moving the same way toward that goal.

Our position is one in opposition of using a minimum competency test as a criteria for graduation.

Q And why has your organization of teaching professional taken that position about this minimum competency testing program?

A Well, there are a lot of reasons and I can't reiterate all of them, but let me reiterate the ones that I think loom highest in our concerns.

First of all, let me say that we have not made this decision lightly. The decision we have made is based on teacher involvement through our various locals, through our legislative committees, through our IPB committees and through our board of directors and, ultimately, through our representative assemblies, all boards made up of teachers and chaired by teachers.

One of the problems that we have is that we simply don't believe in the use of any competency test as a sole criterion for promotion. We think it has a narrowing effect on the curriculum. Now that sole criterion issue is an issue that I have heard discussed much today and our definition of sole criterion is perhaps different than what everyone else is using, so let me share that.

Q Please do.

A We think that the sole criterion is a criterion that will make the decision alone, even if there are other decisions involved in it. We would more likely call it a deciding criterion. It is the same thing to us.

Q So you are saying that in the State of Florida the minimum competency test is the deciding criterion?

A That is correct. You may do everything else or

will be in 1982-83 school year, and was until the Court decision asked for the postponement of that.

We also believe that educators ought to teach for mastery rather that meet childrens' needs. Tests of this kind, at least in our knowledge, have not proven to increase the maximums. In fact, the real danger that we are concerned about is the minimum becoming the maximum in the State of Florida.

We are concerned about any kind of competency test measuring the ability to get along in life, in fact, ability to get along in anything. If a competency test truly, paper and pencil competency test truly could measure the ability to do anything, then Howard Cosell would wear a football helmet instead of a toupee and he would be a fullback for the Tampa Bay Bucaneers.

Q You have been very eloquent, Mr. Myrick, but I have to think that the folks out there are thinking about the fact that you are not just a professional educator. You are what they might refer to as a union man and it is very possible that they feel that you are opposed to minimum competency testing of students because you fear that that will somehow be used against the teaching profession.

A Well, of course, that concern is out there, and I would be foolish to say that it isn't. But that is not the reason that we made this decision. That's not the reason we

said this.

In fact, in Florida the agreement and understanding is that it is not to be an evaluative use for teachers. I guess the overriding thing that makes the teachers of Florida feel the way we do about this is that a minimum competency test, by its basic nature labels some children as failures and that is against everything that we stand for in education.

Let me give you an example. In Orlando, Florida, back when the minimum competency test did indeed make the difference for graduation, one of our teachers, in talking with her student, found that that student was ready to drop out and was going to the counselor that day to do so. When asked why, because he failed the minimum competency test, not just a test that was an individual test but a test that said that he didn't have the competencies to make it in life.

And because of that he was going to drop out. And the ironic part of it is that for the past two years he had been the sole support of his family. He was making it in life.

Q You also heard, I believe, Commissioner Turlington's testimony that he felt that minimum competency testing was promoting educational excellence in your state. And part of the reason that he cited for proof in support of that proposition was the notion that other standardized test

scores were going up in your state.

Do you have any evidence to indicate whether or not that may or may not be true?

A Well, I asked for that data from our research department several years ago and I have asked for it each year since. And we don't have the data to prove that that is true. In fact, to give you an example, I brought a piece of data that we have, using the Preliminary Scholastic Aptitude Test.

That is the test that determines who becomes Merit Scholars and who would not become a Merit Scholar.

Q Isn't it also a pre-test for the SAT used to gain entry into college?

A That's true.

Q What were the results on that PSAT?

A Well, what I used as a figure was the one percent cutoff, which is what the National Merit Scholarship uses. That one percent cutoff determines who would be able to apply for a Merit Scholarship.

In 1973 in Florida --

Q This is before minimum competency?

A Before minimum competency testing, the one percent cutoff was 193. In 1978, it was 191. As a counselor trained in testing, I would suggest to you that that proves nothing and there really is no data that I know of that

proves either way.

MS. PULLIN: Thank you very much.

HEARING OFFICER JORDAN: Dr. Popham?

CROSS EXAMINATION

BY DR. POPHAM:

Q Mr. Myrick, in the interest of fairness I am concerned about the accuracy of the statement attributed to Commissioner Turlington during his earlier testimony. Not having access to a direct transcript of those remarks I cannot at this moment deny that they occurred.

But since I was questioning him I listened very carefully to his response regarding the support of minimum competency testing in his state. I was asking him precisely about that. When he came to teachers -- he said administrators were in support. When he came to teachers he said I am convinced that a majority of teachers now favor this program. He did not say, in my recollection, that no group was opposed to minimum competency testing in Florida.

Isn't that the way you recall it?

A No. My recollection was that in the discussion his suggestion was that there was no major group at this time. This was the discussion of in the beginning there were groups opposed to it and his feeling was that now there were no groups opposed to it.

Q Well, certainly your group is in opposition, right?

A To using minimum competency tests as the criterion for graduation, a deciding criterion.

Q And opposing counsel raised the question about the possibility that your stance would be viewed as one of vested interest. Let's talk about vested interest for a moment.

If a parent sees a child, their child, and accuses that child of being adorable, we might say that that was a vested interest because it coincides with what the parent wants to say. If that same parent sees their child and says the child is fairly ugly that runs counter to vested interest and we attribute more credibility to the remark.

Earlier today we heard a representative of a teacher's organization in another state describing a situation in which their state association was actively supporting minimum competency testing. This runs counter to the vested interests of teachers organizations, for it may be that their deficiencies may be revealed and thereby they would be judged accountable.

Your position, however, is consistent with the mother who sees the baby and says adorable, wouldn't you agree?

A Well, one thing about teachers' organizations, we don't always agree on issues. If we did, then education in the United States would be, well, I think the answer is

self-explanatory.

The majority of teachers' organizations, the majority of NEA affiliates, and I deal with them on an everyday basis, have, I believe, a similar mind.

Q And that majority, you believe, is somewhat consonant with the vested interests of teachers' organizations in general?

A Our vested interest is student excellence.

Q You have talked about the danger of a sole criterion and defined it in such a way that it is a deciding criterion. If a course of study in a particular state calls for the student to pass a course in U.S. Government in order to get a high school diploma and the student fails to pass that course in U.S. Government, is that a sole criterion, for indeed it is a decisive criterion in whether or not a student gets a diploma. Is that a sole criterion in you view?

A It is a deciding criterion but of a different nature. It's a deciding criterion based on teacher observation, numerous tests, numerous experience, and evaluative instruments that that student went through in that course.

Q But it is a single criterion, passage of the course, the grade. And the teacher awards the grade and it may be an A, B, C, D, F, but if the teachers says F the

student doesn't get the diploma, right? So it is sole criterion?

A Not in our interpretation. A sole criterion or decisive criterion is one single entity, one single test, for example, or one single kind of thing. A passage of a course is not one single thing but an accumulation of things that either passes or fails.

Q Isn't it that you are talking about the way in which the data are aggregated to make the decision about the criterion? You seem to be suggesting that if many data sources are somehow put together in yielding a grade that is acceptable, but if scores on tests on basic skills in reading, writing and math are used, that is not acceptable. Isn't that the way you are describing it?

A Because that is one entity. In the course you described a student takes many tests, may fail some, may pass some. But it's the aggregate of all of that together over a period of time that makes the difference.

Q I think our interpretation is the same. You mentioned your research department. Is that the department in the teachers' organization or is that the Department of Research in the State Department of Education?

A No, we have our own research department.

Q So you went to them rather than the State Department of Education? I suspect that Commissioner

Turlington was probably going to his research department rather than yours, is that correct?

A Probably so, although our people work very close together and our data is their data and their data is our data for the most part.

Q I get the impression that there is much comradery in Florida.

A There certainly is.

MS. PULLIN: I have one question.

DR. POPHAM: Professor Alleyne has a question on cross.

CROSS EXAMINATION

BY MR. ALLEYNE:

Q You testified in direct exam, I believe, that the NEA affiliate of which you are the head in Florida has taken a position against minimum competency testing, at least as a requirement for graduating from high school, is that correct?

A That's correct.

Q Can you tell me when the NEA affiliate in Florida took that position?

A We took the position, or at least took a position similar to our present position, said those same kinds of things, back before minimum competency testing became a reality in Florida.

Q Approximately what year?

A I would have to guess that our decision to do this must have been in the early '70s -- '71, '72.

Q And minimum competency testing became a reality in Florida when?

A Became a reality in Florida in '73, isn't it?

Q So it's possible that the Commissioner in his testimony could be right, that at this time a majority of teachers in Florida favor minimum competency testing. That's at least a possibility?

A Well, within our organization whatever positions we take we reevaluate every year. By the way, it was 1976, the Accountability Act of 1976. And our position is reevaluated by boards of teachers and representative assemblies each year, and that position has been affirmed each year. So even though the original position was back in '72 or '73, it is still just as live and just as real today as it was then.

HEARING OFFICER JORDAN: The time for direct examination has expired. Was there some redirect?

MS. PULLIN: I will pass.

HEARING OFFICER JORDAN: We thank you for your assistance, Mr. Myrick, and you are excused.

That concludes the witness list. We now will have summaries of approximately two minutes each by the Pro Team Leader and the Con Team Leader and we will begin with

Professor Popham.

SUMMARY OF THE DAY'S SESSION

BY DR. POPHAM, PRO TEAM LEADER

DR. POPHAM: Thank you, Professor Jordan.

These five minutes summaries Professor Madaus and I are making are getting shorter and shorter, I note, and I appreciate that, though.

Our team today tried to present an array of witnesses who would support the general contention that minimum competency testing programs would have positive effects on students, on the curriculum, on teaching and on public perceptions of education.

Many of our witnesses were drawn from the ranks of educators who are actually implementing minimum competency testing programs. We are particularly impressed with the presentations of several of those witnesses who used minimum competency testing not as a defensive stance against the imposition of the public but rather as a catalyst for improving the caliber of instruction in their state and in their district.

We heard a representative from a major state association, education association, describe that a forward-looking teachers' organization can in fact support this kind of legislation, for indeed they could thereby mold that program in a fashion more consonant with their desire

to improve the quality of instruction.

We heard one of America's foremost testing experts suggest that the caliber of testing technology at this juncture is sufficient to support minimum competency testing programs.

And you have half a minute left over.

HEARING OFFICER JORDAN: Thank you.

Professor Madaus?

SUMMARY OF THE DAY'S SESSION

BY DR. MADAUS, CON TEAM LEADER

DR. MADAUS: Today we tried to show, and I think we have, that the technology in testing, and we also have one of the foremost experts in the United States testifying on this -- several, as a matter of fact -- are not up to making these kinds of decisions alone on the basis of the test score.

And our position, as we have tried to have it emerge from the day's testimony is that while we are not against using tests, tests play an important role in decisionmaking. What we are against are these programs that use the test as the final hurdle.

Now I think we have to put today's testimony, which was very technical and doesn't really lend itself to this kind of arena, to this kind of forum, I think we have to put it in human terms. We have to say what does it mean

to those children right around the cut score that are denied a diploma, that are kept back. And even if they take the test again, for the four months that they wait are labeled functionally illiterate or incompetent, are taken out of classes and put into remedial work. The peers know that these kids have failed.

The labeling has a very human dimension and what we tried to show you today is it doesn't take many items to make a difference. It doesn't take much in the way of how you set the cut score to make a difference.

In one method of setting the cut score we saw that one out of every two kids would have had a different decision if one particular group had used one method. We showed you what happened about various methods. So a lot of this is just arbitrary.

The truth-in-labeling restoring meaning to a high school diploma is nonsense, particular for kids around the cut score. We also tried to tell you that we are for standards. We are for restoring meaning to the diploma, but we think that the best way to do it is in terms of professionals using all kinds of data to make decisions.

The teachers, the administrators, the parents have a wealth of data and rather than use a single index they should use all of that data to make these important decisions. That's what we tried to do today.

I was interested in some of the testimony today, particularly from Florida, since yesterday Dr. Popham's chief witness, Professor Scriven, said that Florida was an example of a bad state minimum competency test.

I was also happy today that Professor Popham joined us in agreeing that minimum competency tests should not be used for learning disabled or handicapped students. We consider that a big victory. He was supposed to contest that. Welcome aboard. We hope that the American public in those states that are still using it that way take notice.

Thank you.

HEARING OFFICER JORDAN: Thus concludes day two of the minimum competency hearing.

Tomorrow, the final day, we will convene the hearing at 9:00. We hope that you will join us. We thank the witnesses for appearing and sharing information with us.

The hearing is adjourned.

(Whereupon, at 5:50 o'clock p.m., the hearing was recessed, to reconvene at 9:00 o'clock a.m., Friday, July 10, 1981.)